

EXHIBIT 7

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH WOLF, CARMEN WOLF,)
ON BEHALF OF THEMSELVES AND)
THOSE SIMILARLY SITUATED,)
)
Plaintiffs,)
)
vs.) Case No.
) 7:23-cv-00558-PMH
DOLGEN NEW YORK, LLC)
D/B/A DOLGEN,)
)
Defendant.)
)

VIDEOTAPED VIDEOCONFERENCE 30(b)(6) DEPOSITION OF
NICK SNOW

WITNESS LOCATION: Goodlettsville, Tennessee

Thursday, March 7, 2024

REPORTED BY:

Katherine West, LCR No. 791, RPR

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1 Videotaped videoconference deposition of NICK
2 SNOW, taken on behalf of the Plaintiffs, beginning at
3 11:15 a.m. CST, and ending at 4:10 p.m. CST, on
4 Thursday, March 7, 2024, before Katherine West, LCR
5 No. 791, RPR, reporting remotely via videoconference.

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1 A P P E A R A N C E S
2

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1 E X A M I N A T I O N
 2 I N D E X

3 WITNESS: NICK SNOW

4 EXAMINATION BY:

5 MR. HARRIS

PAGE

6

7 E X H I B I T
 8 I N D E X

EXHIBIT

DESCRIPTION

PAGE

10 Exhibit 1	First Amended Notice to Take Oral Deposition Directed to Defendant Dollar General Per Fed. R. Civ. P. 36(b)(6)	8
12 Exhibit 2	Defendant Dolgen New York LLC's Answer to the Second Amended Class Action Complaint	31
14 Exhibit 3	Dolgen New York LLC's Second Supplemental Objections and Answers to Plaintiffs' First Set of Special Interrogatories	87
17 Exhibit 4	Audit Data Spreadsheet	135
18 Exhibit 5	PowerPoint Presentation entitled "Additional tech-enabled opportunities"	168

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1 GOODLETTSVILLE, TENNESSEE; THURSDAY, MARCH 7, 2024

2 11:15 a.m. CST - 4:10 p.m. CST

3 * * * * *

4 THE VIDEOGRAPHER: Here begins the deposition
5 of Nick Snow. The date is March 7, 2024. The time on
6 the video is 11:15 a.m.

7 Will the court reporter please swear in the
8 witness.

9 THE COURT REPORTER: Pursuant to Federal
10 Rule 30, as the deposition officer, my name is Katherine
11 West. I'm a certified shorthand reporter for Veritext
12 Legal Solutions.

13 Can counsel identify themselves on the video
14 record.

15 MR. HARRIS: Good morning. Scott Harris on
16 behalf of plaintiff.

17 MR. TAYLOR: Trent Taylor on behalf of
18 Defendant Dolgen New York, LLC.

19 MR. BATES: I'm Jason Bates. I'm in-house
20 counsel with Dollar General.

21 THE COURT REPORTER: I will now administer the
22 oath.

23 NICK SNOW,
24 the witness herein, having been first duly sworn, was
25 examined and testified as follows:

1

EXAMINATION

2

BY MR. HARRIS:

3

Q Good morning, Mr. Snow. My name is Scott Harris, and I am here to take the deposition in this matter.

6

Could you state your full name for the record, please.

8

A Yes. Nicholas Daniel Snow.

9

MR. HARRIS: Before we begin, I think, Trent, you mentioned something that you wanted to say on the record?

12

MR. TAYLOR: Yeah. Thanks, Scott. I appreciate it.

14

So there's a couple things or three things real quick.

16

Number one, this deposition is being taken pursuant to the protective order that has been entered in this case, and all testimony, transcripts, and exhibits will be marked as temporarily confidential for a period of time, and during that period of time we will submit our confidentiality designations pursuant to the terms of the protective order. So that's number one.

23

Number two, I just wanted to note for the record that we received the notice of deposition with the topics. We sent our objections and we had a

1 back-and-forth and ultimately an agreement that I
2 believe resolved most, if not all, of our objections, so
3 I think we, you know, are on the same page in terms of
4 what the topics are.

5 But I did want to note that if there are
6 questions posed beyond the scope of the topics in the
7 notice of deposition per our objections, then I will
8 make a beyond-the-scope objection, and the witness can
9 still answer the question, but he will do so in his
10 individual capacity as opposed to as a corporate
11 representative of Dollar General.

12 And the third thing I just wanted to put on
13 the record is the two sides have agreed that this
14 30(b)(6) deposition for both today and tomorrow with our
15 other witness will be no more than ten hours on the
16 record combined.

17 So that's it. Thanks, Scott.

18 MR. HARRIS: All right. Thank you.

19 BY MR. HARRIS:

20 Q Mr. Snow, it's my understanding you're here as
21 one of the two 30(b)(6) witnesses for Dollar General
22 or -- is that correct?

23 A That's my understanding.

24 Q And I know the entity that has been sued in
25 this action is Dolgen New York, LLC doing business as

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1 Dolgen. Is that correct as well, but you're also known
2 as Dollar General?

3 A That's correct.

4 Q So if I refer to Dollar General, I'm referring
5 to the named defendant in this action.

6 Is that fair?

7 A I will -- yes.

8 Q Thank you.

9 All right. I'm going to share my screen with
10 the first exhibit that I'm marking to go through this.

11 (Exhibit 1 was marked for identification.)

12 BY MR. HARRIS:

13 Q Mr. Taylor mentioned a minute ago that there
14 were topics that have been identified by -- that you're
15 going to be testifying to. I want to go through those
16 first to make sure that we are on the same page as to
17 which topics you're testifying to versus -- I'm sorry.
18 I can't pronounce it -- Ms. Savaloja tomorrow.

19 MR. TAYLOR: And it's Ms. Savaloja.

20 MR. HARRIS: Savaloja. I apologize.

21 MR. TAYLOR: Okay.

22 THE WITNESS: Mr. Harris, are you sharing
23 screen or through the Exhibit Share?

24 BY MR. HARRIS:

25 Q I'll share my screen. Is that okay?

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1 A Okay.

2 Q Can you see it?

3 A I see that.

4 Q Okay. So, Mr. Snow, this is what I'm marking
5 as Exhibit 1 to your deposition, which is the amended
6 notice of deposition. It's mistyped as 36(b)(6). It
7 should be 30(b)(6).

8 But have you seen this document before?

9 A I believe I have seen this document before.

10 Q And it's my understanding from an email from
11 your counsel that you are testifying to a -- several of
12 these topics, and I'll go through the ones it's my
13 understanding you're testifying to, and just confirm
14 that you're prepared to testify on these topics.

15 Is that okay?

16 A Yes.

17 Q The first one, it's my understanding Item 1,
18 "Dollar General's corporate structure and/or
19 organization during the Relevant Time Period."

20 A Yes.

21 Q Okay. The next was 3: "The description of
22 how records and data are maintained by Dollar General,
23 including, but not limited to, reports of pricing
24 inaccuracies, customer complaints regarding pricing
25 accuracy, all data maintained as to shelf labels and

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1 product sales, PowerBI Reports, the Pricing Compliance
2 Dashboard, and documents related to pricing of products
3 in Dollar General stores generally."

4 Is that correct?

5 A Yes.

6 Q And the next one is Number 4: "Description of
7 how pricing for products sold at Dollar General stores
8 is established and communicated to store employees."

9 It's my understanding that you are testifying
10 to the first part of Item 4, which is "Description of
11 how pricing for products sold at Dollar General stores
12 is established."

13 A Yes. That is my understanding.

14 Q Okay. And then Item 5: "All aspects of the
15 myDG program and the Dollar General app"?

16 A Yes.

17 Q Number 8: "The description and functionality
18 of the GOLD system"?

19 A Yes.

20 Q Item 19: "The process for identifying Dollar
21 General customers who may have been overcharged during
22 the Relevant Time Period"?

23 A Yes.

24 Q And Item 20: "A description of the
25 hardware/software utilized by Dollar General to

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1 determine who are its customers during the Relevant Time
2 Period"?

3 A Yes.

4 Q Item 22: "How cash registers (or other point
5 of sale mechanisms) are verified and/or reconciled for
6 price accuracy"?

7 A Yes.

8 Q Item 24: "Dollar General's answer to the
9 operative Complaint"?

10 A Yes.

11 Q Item 25: "Dollar General's answers and
12 responses to discovery requests served by Plaintiff"?

13 A Yes.

14 Q Okay. Item 26: "The factual basis for any
15 affirmative defense to which Dollar General contends it
16 is entitled to in this matter"?

17 A Yes.

18 Q Okay. And then Item 29: "The functionality
19 of the technological solutions used to establish,
20 change, and/or remove the prices of products at Dollar
21 General stores"?

22 A Yes.

23 Q Okay. And then Item 33 is "All aspects of the
24 Store Technology Reports prepared by Dollar General"?

25 A Yes.

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1 Q Okay. And then I think initially it was
2 listed as Item 38, but now it's Item 37. It's "All
3 aspects of the data contained within the
4 DG_Wolf_0040562"?

5 A Yes.

6 Q All right. Thank you. We'll go through --

7 MR. TAYLOR: Real quick, Scott, and forgive me
8 if I missed it. Did you mention 32 as well?

9 MR. HARRIS: I didn't have 32 on my list. But
10 maybe --

11 MR. TAYLOR: So that's one that I think Javier
12 sort of sent. We had -- Javier was going to get back to
13 us, and he did send it, and so I just want to let you
14 know that he is prepared to talk about 32 as well and it
15 will be Mr. Snow as opposed to Ms. Savaloja for that
16 one.

17 MR. HARRIS: Okay. I can come back to that,
18 then.

19 BY MR. HARRIS:

20 Q But, Mr. Snow, you're also prepared to testify
21 to Topic 32, which is "Dollar General's use of 'master
22 files' as noticed -- as noted by Brian" -- is it -- how
23 do you pronounce his last name? Haug?

24 A Haug.

25 Q -- "Haug during his December 12, 2023,

1 deposition"?

2 A Yes, I am.

3 Q Okay. All right. Let me stop sharing my
4 screen for a minute.

5 Mr. Snow, it's my understanding you've given a
6 deposition before; is that correct?

7 A I have.

8 Q How many -- approximately how many depositions
9 have you given?

10 A Approximately three depositions.

11 Q Okay. And I know you gave one in this matter
12 a few months ago. Have you given a deposition since
13 that one?

14 A I have not.

15 Q Okay. Have you testified in the arbitration
16 or court proceeding since that deposition?

17 A I have not.

18 Q And just back to the -- I know you understand
19 the rules, but -- and I'm sure your attorney has told
20 you, but I'm just here to ask you a series of questions
21 about these topics, and if you don't know the answer --
22 or strike that.

23 I'm going to ask you a series of questions,
24 and if you answer the question, I'll assume that you
25 understood the question.

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1 Is that correct?

2 A Yes.

3 Q Okay. And then if you have any questions with
4 me, if you don't understand my question, feel free to
5 ask me to rephrase it. Okay?

6 A I will. Thank you.

7 Q And then also if at any time you need to take
8 a break, let me know. I think we've talked about trying
9 to take a break in about an hour and a half or so
10 regardless. But if you need a break at any time, just
11 let me know, but I ask that you answer any question that
12 I have pending.

13 Is that fair?

14 A Sounds fair.

15 Q Okay. Thank you.

16 Mr. Snow, I've reviewed your previous
17 deposition, but can you still provide me with what your
18 current role and title with Dollar General?

19 A Certainly. I'm the vice president of decision
20 science and analytics at Dollar General Corporation.

21 Q And how long have you held that position?

22 A Held that position since approximately March
23 of 2021.

24 Q Okay. And is that the same position you held
25 when you were last -- when you gave your last

1 deposition?

2 A That is the same position I held the last
3 deposition.

4 Q Okay. Thank you.

5 And let me ask you: What did you do to
6 prepare for your deposition today?

7 A I'm sorry. That didn't come through clearly,
8 Scott.

9 Q What did you do to prepare for your deposition
10 today?

11 A I did a number of things. For one, I have
12 general knowledge to start with about many of the topics
13 that were -- I'm representing Dollar General Corporation
14 on. I separately met with counsel, both in-house and
15 outside, and I sought out and met with a number of
16 internal folks to refresh my memory or become
17 knowledgeable on the topics I could represent us today
18 on the topics we already went through.

19 Q Okay. Did you review any deposition
20 testimony?

21 A I did review some deposition testimony.

22 Q Do you recall whose depositions you reviewed?

23 A I recall some of whom's depositions I
24 reviewed.

25 Q Do you recall the names?

1 A I do recall some of the names.

2 Q Can you provide those?

3 A Certainly. I reviewed my own testimony from
4 the previous deposition. I reviewed an excerpt of
5 testimony from Ms. Connie Droke. And I reviewed
6 testimony from the plaintiffs' in their deposition in
7 this matter. I believe that's all of the depositions
8 that I looked at.

9 Q Okay. And then you mentioned you spoke with
10 people outside of your counsel; is that correct?

11 A I did.

12 Q And can you tell me who did you speak with
13 besides counsel about -- in preparing for your
14 deposition today?

15 A Yes. I met with Kim Eden who is a director in
16 our IT department and responsible for some of the
17 pricing systems. And I met with Marco Nunez who is a
18 director in our cash and sales audit function. And I
19 exchanged email conversation with Rohit Magazine who is
20 on our store POS IT team.

21 Q Anyone else that you can think you spoke to in
22 preparation of the deposition?

23 A That is the full list of people I spoke to in
24 preparation for this deposition outside of outside
25 counsel and in-house counsel.

1 Q Okay. Thank you.

2 Did you visit any stores in preparation for
3 your deposition?

4 A I did not visit any stores in preparation for
5 my deposition.

6 Q Have you -- have you visited any stores in the
7 New York region during the pendency of this lawsuit?

8 A I'm sorry, Mr. Harris. You broke off right at
9 the end.

10 Q Have you visited any New York Dollar General
11 stores?

12 A I have visited New York Dollar General stores.

13 Q Have you visited them since this action was
14 initially filed?

15 A I'm unclear as to when exactly the action was
16 initially filed, but I was in New York stores in the
17 early summer of 2023.

18 Q Okay. I think that was after. This action
19 was filed I believe in January of '23, I believe. But
20 I'm not certain exactly on the date in front of me.

21 But you likely visited a store after this
22 action was filed.

23 Who did you meet -- do you recall who you met
24 with when you went to the stores in 2023?

25 A I do not recall any of the names of the people

1 I met with.

2 Q Okay. Was it -- do you know if it was
3 managers or district managers that you met with?

4 A I was on a store visit and I'm sure I met a
5 manager or met a district manager, but that wasn't the
6 purpose of my visit, so it was for pleasantries.

7 Q Okay. Were you -- so you were on vacation and
8 just stopped by a store?

9 A No. No. Sorry. I was on a Dollar General
10 store visit trip into the market that included
11 Binghamton, New York.

12 Q Okay. So -- okay. Was that the only store
13 you stopped in in New York in 2023?

14 A It probably was three or four stores in that
15 market that would have been in the State of New York,
16 but that would have been the only stores I was in in
17 2023.

18 Q Okay. And I'm sorry. So that was in the
19 Binghamton market?

20 A That's correct, if I'm pronouncing that
21 correctly.

22 Q I am or --

23 A If I'm pronouncing that correctly.

24 Q Oh, okay. We both are. Okay.

25 Have you spoken with any customers in any of

1 the -- any of your New York -- any of your New York
2 customers in preparation of your deposition today?

3 A I have not spoken with any customers in New
4 York.

5 Q How long do you think you spent in preparation
6 for your deposition today and preparing for these
7 topics? How long -- approximately how long do you think
8 you spent speaking with people and reviewing deposition
9 testimony in preparing for your testimony today?

10 A I'd say I spent approximately 16 to 20 hours.

11 Q Do you know approximately when you began
12 preparing for your deposition that you're to give today?
13 Was it last week? Two weeks ago? Three weeks ago?

14 A Yeah. I believe I began preparing in the last
15 three weeks.

16 Q Okay. And then so in the last three weeks,
17 you spent approximately 16 to 20 hours preparing?

18 A That's correct.

19 Q Why don't I -- let me go back and ask. So you
20 mentioned -- and I think there was four people you
21 either communicated with in preparation. Is it Eden the
22 first name you mentioned, the director of IT?

23 A That's correct. I believe that's her title.
24 She's a director or senior director in our IT crew.

25 Q And do you recall which topic you spoke to

Page 20

1 Ms. Eden about in preparation for today?

2 A Yes. I spoke to Ms. Eden to confirm my
3 understanding and refresh on the pricing portions of the
4 system I think we looked at a few minutes ago titled
5 GOLD.

6 Q Okay. Sorry. That didn't come through quite
7 clear. I think I understand you spoke to her about
8 the -- I guess Topic 8 is the description and
9 functionality of the GOLD system.

10 Was it related to that topic?

11 A Yes, it is.

12 Q Okay. And what did you all -- do you recall
13 the question you asked her?

14 A Yes. I had a historical understanding of how
15 the GOLD pricing system worked, and so I -- I'd say I
16 had a collaborative conversation just confirming
17 elements of my understanding as well as understanding
18 which pieces of the workflow systemically had changed
19 since I was last aware of it systemically.

20 Q Can you break that down at some point? So why
21 don't I ask you: What is the GOLD system?

22 A Yeah. The GOLD system is the company's ERP
23 system.

24 Q What does ERP stand for?

25 A ERP generally refers to enterprise resource

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1 planning in the technological sense.

2 Q Okay. And then how does Dollar General use
3 that system, then?

4 A The GOLD system at Dollar General is used for
5 inventory management, and it does things like
6 forecasting for replenishment, maintaining an inventory
7 perpetual record across stores and distribution centers.
8 It contains item information and we leverage its
9 database as part of our pricing workflow.

10 Q Okay. So let me -- let me explore that a
11 little bit, make sure I understand it.

12 So you mentioned that it's inventory
13 management database is one component of that; is that
14 correct?

15 A That is one of the features of the GOLD ERP.

16 Q And then if -- let me just use an example. Do
17 you use it for -- like, if one store is running low on a
18 certain product, it can tell you what the current
19 inventory of razors are or deodorant and say you
20 possibly need to order more? Is that an aspect of it?

21 A Yeah. That doesn't accurately describe it.
22 The GOLD ERP maintains inventory records and then
23 replenishes based upon various settings as inventory is
24 low, as an example.

25 Q So if inventory goes low for a certain

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1 product, when you say "replenishes," does it just -- it
2 tells the shipping department that they need to ship to
3 the Binghamton store for instance?

4 A Yeah. Generally, the way it would create an
5 order out of a distribution center. That order is
6 picked if it's available in that distribution center,
7 and then it ultimately makes its way to a truck and is
8 received at the given store.

9 Q Okay. I'm sorry. You said that's one
10 component. What are the other components of the system
11 as well?

12 A Again, it does lots of things, but it retains
13 the information for items. It is the system that
14 designates a SKU, so an official number for a given
15 item. It retains attribution information in a product
16 master as part of itself. And then it is in -- it is --
17 leverages part of the pricing workflows for items.

18 Q Okay. When you say "leverages part of the
19 pricing workflow for items," do you mean like it will
20 suggest what the price should be for a given product?

21 MR. TAYLOR: Objection. Form.

22 You can answer.

23 THE WITNESS: No. It doesn't do that.

24 BY MR. HARRIS:

25 Q What -- can you explore -- explain what you

1 mean by what you just said about that, then?

2 A Certainly. Every item to be sold has a retail
3 price, so the system has to maintain what that retail
4 price is, and if it is changed, the retail price is
5 changed via that system and leveraging the databases
6 that underpin that in the same way that other item
7 attribution information is retained in that ERP.

8 Q So would it then -- like, if the retail price
9 is a certain amount of, whatever, \$3 or 3.50 or
10 something, and you decide to change the price from 3 to
11 3.50 for something, would it then make sure that that
12 was -- or strike that.

13 If the price changes from 3 to 3.50 on a given
14 product, does it then let the stores know that the
15 prices need to change throughout the stores as well?

16 A I'm sorry. Mr. Harris, can you repeat that
17 question?

18 Q Yeah. I'm not doing a good job of asking it.
19 I'm trying to think of what I'm trying to understand
20 with this system.

21 You were discussing how it would -- it can
22 look at the retail price of a product; is that correct?

23 A It retains -- it has knowledge of the retail
24 price of an item.

25 Q Okay. And -- but then if -- if you decide if

Page 24

1 you were Dollar General, someone at Dollar General
2 decides to change the price of a given product, what
3 does the GOLD system do, then, in terms of letting the
4 stores know that the price has changed?

5 A Yeah. The GOLD system is the mechanism by
6 which a price change would be entered and processed to
7 be sent to the stores electronically.

8 Q Okay. And does -- do all the stores have
9 access to the GOLD system?

10 A No. It's my understanding the store -- none
11 of the stores have access to the GOLD system.

12 Q Okay. It's only comes from the corporate
13 level, gets funneled out to the rest of the stores at
14 some point?

15 MR. TAYLOR: Objection. Form.

16 You can answer.

17 THE WITNESS: Yeah. It's my understanding
18 that the GOLD system sends files to subordinate systems
19 or other systems throughout the network that do various
20 things based on those files.

21 BY MR. HARRIS:

22 Q Okay.

23 A One of which is pricing.

24 Q And so when you spoke with Ms. Eden, was
25 there -- was there anything else you discussed with her

1 about the GOLD system?

2 A No. It was about making sure I was
3 knowledgeable to accurately answer the questions with
4 regard to the GOLD system as noted in your -- the
5 deposition.

6 Q Okay. And let me go back to just would the
7 GOLD system then, would it communicate in some form or
8 fashion to whatever your point-of-sale systems are that
9 are used at individual stores about the price?

10 A Yes. The GOLD system goes through a series of
11 workflows and file transfers, one of which is sending
12 information through ultimately down to the point of sale
13 across the network.

14 Q And then does it also -- then it also -- like
15 in terms of one of the issues we're here today about,
16 does it also inform -- like, start printing out labels
17 that need to go for each product as well that may have
18 changed the price?

19 MR. TAYLOR: Objection. Form.

20 You can answer.

21 THE WITNESS: The GOLD system sends the
22 pricing information to the points of sale, and
23 ultimately to the back office PC or personal computer in
24 each store where tags associated with a price change can
25 be printed.

1 BY MR. HARRIS:

2 Q Okay. All right. Okay. So that's -- okay.
3 It tells them the price has changed for a given product
4 that goes to the point of sale and the point of sale at
5 the individual store tells the -- tells someone to print
6 it off in the store; is that a fair assessment?

7 MR. TAYLOR: Objection. Form.

8 You can answer.

9 THE WITNESS: Yeah. So for a permanent price
10 change, the pricing information change file will then
11 create a tag file on the back office PC to reflect those
12 changes that get printed by store associates.

13 BY MR. HARRIS:

14 Q Okay. All right. I think I follow.

15 Let me -- you also mentioned the next person
16 you spoke to, is it Marco Nunez?

17 A That's correct.

18 Q And I'm sorry. What was his title?

19 A He's either the director or senior director of
20 cash and sales audit, I believe is his title.

21 Q Okay. And then what does he -- do you know
22 how long he's had that position for?

23 A I do not.

24 Q And then what did y'all discuss?

25 A I discussed the cash and sales reconciliation

1 process with regard to how sales come back into the
2 corporate office.

3 Q What do you mean by like in terms of there's a
4 cash sale at a given store and then how does that money
5 get back -- deposited back to corporate?

6 A My scope of questions was with regard to -- I
7 had some familiarity. In any retailer, sales get
8 summarized and split apart based on tender types to
9 include some cash going to banks, and some obviously
10 being more electronic tenders, a cash and sales audit
11 function reconciles those things, and so my questions
12 with regard to the processes around those
13 reconciliations.

14 Q Okay. That's a good point. Do you know -- I
15 guess did y'all discuss what percentage of sales in New
16 York were cash versus other forms of tender?

17 A No, we did not.

18 Q Okay. Do you know -- actually, let me ask
19 that same question. Do you know what -- in the past
20 approximately three years what percentage of sales in
21 New York have been cash versus another form of payment?

22 MR. TAYLOR: Wait. Objection. Form.
23 Objection. Beyond the scope.

24 You can answer in your individual capacity.

25 THE WITNESS: I do not.

1 BY MR. HARRIS:

2 Q Do you -- all right. Approximately how long
3 was your conversation with Mr. Nunez?

4 A Approximately five to seven minutes.

5 Q All right. I think you also mentioned that
6 you spoke with, is it Mr. Magazine; is that right?

7 A That is correct.

8 Q Okay. Did you speak with him or --

9 A I traded an email with Mr. Magazine.

10 Q What information were you seeking from
11 Mr. Magazine?

12 A I'm sorry. Can you say that again?

13 Q What information were you seeking from
14 Mr. Magazine?

15 A Trying to find information with regard to a
16 store technology report.

17 Q And what information was that that you were
18 about the store technology reports?

19 A What it was.

20 Q Can you elaborate what it is? I think that's
21 Topic 33; is that correct?

22 A Yes. Sorry. So my question's with regard to
23 what it was and what it represented, and then I had
24 asked him questions once we established what it was and
25 where it came from.

1 Q So yeah. What is the store's technology
2 reports?

3 A What it appears, the store technology report
4 is a summary of tickets or store notifications of
5 technology open issues.

6 Q Can you give me -- can you elaborate on what
7 "open issues" means, what you mean by that?

8 A Yeah. As an example, one that I looked at, a
9 phone was not functioning, so that was listed as a phone
10 was not functioning and had a "1."

11 Q Okay. So --

12 A I think designating one issue.

13 Q I'm sorry. I didn't mean to cut you off.

14 A Sorry. In that case, it appeared to designate
15 that there was a single phone issue in a given store.

16 Q Okay. So if one of the aspects of technology
17 in a store, the store uses has gone down, that will tell
18 you whether -- or whether it needs some kind of
19 maintenance or rebooting or something? That's what
20 those reports tell you?

21 A I don't know that I know exactly that's what
22 it -- it's supposed to capture information with regard
23 to an open issue. An open issue could be a lot of
24 different things, but in your case, if something were to
25 be down, theoretically, if the store complained -- or

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1 sorry -- called it in that way, that's where it would be
2 reported.

3 Q Okay. All right. Do you know how -- the
4 store technology reports, are those basically just email
5 reports of some kind, or how are those produced?

6 A Through my research, it appears it's an Excel
7 summary of a capture of that information. It's for
8 distribution, and I believe I saw that it was emailed so
9 that's not unusual. A report would be emailed.

10 Q And I'm sorry. I meant to ask you earlier.
11 What's Mr. Magazine's -- what's his title?

12 A I actually don't know his specific title.

13 Q What division does he work in? Do you know?

14 A He works in the IT department.

15 Q Okay. So you think he works underneath
16 Mrs. Eden most likely?

17 A I do not believe he works underneath Ms. Eden.

18 Q Okay. Or he works with Mrs. Eden?

19 A I believe he works with Mrs. Eden.

20 Q Okay. Thank you. Okay. Let me keep going
21 through a few things.

22 I'm going to share my screen in just a minute.
23 Let me actually move into the Exhibit Share file. One
24 second.

25 I think it's moved over. I'm going to share

1 my screen now. I'm marking as Exhibit 2, which is
2 Dollar General's answer to the second amended complaint.

3 (Exhibit 2 was marked for identification.)

4 BY MR. HARRIS:

5 Q Let me share my screen now.

6 All right. Can you see my screen?

7 A I can.

8 Q Okay. One of the topics that you mentioned or
9 that you're prepared to testify to is Topic 24 and 26,
10 which is Dollar General's answer to the operative
11 complaint, and the actual basis for any affirmative
12 defense to which Dollar General contends it is entitled
13 through this matter.

14 Let me mainly just focus on the affirmative
15 defenses, but let me go through a few things about
16 Dollar General's answer.

17 Okay. I'm on paragraph 21. Can you see that?

18 A I can. Is there an opportunity for you to
19 zoom in?

20 Q I certainly can do that.

21 MR. TAYLOR: And let me ask this, Scott. You
22 know, is it better to use the Exhibit Share or not? I
23 mean, you know, however you want to do it is fine, but
24 obviously we're in the Exhibit Share and if we need to
25 do that, we can do that as well.

1 MR. HARRIS: Let me try this. Let me go off
2 the record one second. I'm just more familiar with this
3 way, Trent, if that's okay.

4 MR. TAYLOR: Let me just say for the record --

5 THE COURT REPORTER: Are we off the record or
6 on?

7 MR. TAYLOR: No. No. We're on. We're on.

8 What I was just going to say was if there is a
9 need for the witness to sort of look at the entire
10 document, then we can just plan to let you know, and
11 then at that point maybe we can move over to the Exhibit
12 Share.

13 MR. HARRIS: That's fair enough. But I can
14 scroll, and I'll try to be very specific in any
15 questions I ask right now so you don't need to look at
16 the full thing.

17 BY MR. HARRIS:

18 Q Let me find a way to zoom in. There it is.
19 Is that better?

20 A That's better. Thank you.

21 Q All right. So one thing with this is part of
22 your answer. Discusses -- actually, I'm sorry. Let me
23 go back to paragraph 19.

24 Paragraph 19 states "Dollar General admits
25 that the State of Ohio, through its attorney general,

1 filed a lawsuit against Dollar General Corporation and
2 Dolgen Midwest, LLC, as identified by the case number
3 and docket number alleged in paragraph 19. Dollar
4 General denies that the lawsuit has merit."

5 Do you see that?

6 A I see that.

7 Q And were you -- I wanted -- I understand --
8 it's my understanding that Dollar General has reached a
9 settlement of some kind with the State of Ohio AG
10 matter. Is that correct?

11 MR. TAYLOR: I'm going to object as beyond the
12 scope of the notice.

13 But you can answer in your individual
14 capacity, if you know.

15 THE WITNESS: I believe I saw a news article
16 with regard to a settling of a case in Ohio or a matter
17 in Ohio with regard to the attorney general, but I don't
18 know the specifics.

19 BY MR. HARRIS:

20 Q You were not involved in that?

21 A Do not believe I was involved in that.

22 Q Do you know who was?

23 MR. TAYLOR: Same objection. Beyond the
24 scope.

25 You can answer in your individual capacity if

1 you know.

2 THE WITNESS: Not that I know of.

3 BY MR. HARRIS:

4 Q Okay. Let me go to paragraph 35. And I'm
5 happy -- Mr. Snow, I'm happy to show you the actual
6 complaint, but I don't think you need that. If you need
7 to look at something else, let me know.

8 One of the -- paragraph 35 states: "Dollar
9 General admits that Dollar General stores are subject to
10 price verification audits by New York governmental
11 entities."

12 Do you see that?

13 A I do.

14 Q And this is in response to an exhibit that we
15 provided as part of the complaint.

16 Do you know how often door -- the Dollar
17 General stores are subject to audits by New York
18 governmental entities?

19 MR. TAYLOR: I'm going to object as beyond the
20 scope for this witness.

21 You can answer in your individual capacity.

22 THE WITNESS: I'm unaware of how often Dollar
23 General stores in New York would be subject to price
24 verification audits.

25 MR. HARRIS: Obviously, Trent, I know that --

1 the reason -- I didn't know if this was a topic. I know
2 there's also an audit discussion Mrs. -- that Mia will
3 be testifying to tomorrow, but I didn't know if this was
4 also something that he would testify to.

5 MR. TAYLOR: Yeah. And so -- and thanks.
6 Certainly I recognize that, you know, there may be some
7 overlap here or there with some of these topics, and
8 I'll just say I think for that one, the audit piece is
9 one that was designated for Mia.

10 BY MR. HARRIS:

11 Q Okay. Let me go through, turn to the
12 affirmative defenses. And they begin on page 13 of
13 the -- of Dollar General's answer.

14 And I want to go through these, Mr. Snow, and
15 just find out what the factual basis is for any of these
16 affirmative defenses are that you're aware of sitting
17 here today.

18 And so I think the first one is "Each cause of
19 action alleged in the second amended complaint is barred
20 by the 'safe harbor' provision of New York's general
21 business law, Section 349(d)."

22 Do you see that?

23 A I do.

24 Q Okay. And is there any -- do you know what
25 factual basis you're going to testify to regarding the

1 safe harbor provision of the New York general business
2 law that would bar the claims in this complaint -- in
3 the plaintiffs' complaint?

4 MR. TAYLOR: So, Scott, I just want to put on
5 the record here and he can answer that -- but that, you
6 know, a number of these are really legal defenses, and
7 he can certainly testify to that, but I just want to put
8 on the record because we certainly don't want to get
9 into any attorney-client privilege or work product
10 issues on that, so I just want to say that at the
11 outset.

12 You can answer.

13 THE WITNESS: Yeah. With regard to the safe
14 harbor provisions of New York's general business law,
15 obviously it's a legal matter, and the affirmative
16 defense here was put up by Dollar General in
17 consultation with counsel.

18 As I understand it, the affirmative defense
19 here is with regard to the actions that Dollar General
20 takes to provide for price integrity in stores in New
21 York and includes things like signage around the stores,
22 receipts, the scanners in our stores as an item is
23 scanned shows the price to a customer, and a number of
24 other things with regard to the safe harbor provisions.

25 ///

1 BY MR. HARRIS:

2 Q Okay. And let me break down that, what you
3 mean by each of those things.

4 So would -- you mentioned signage first, I
5 think. What signage is up that you think would help --
6 help provide this as a defense?

7 MR. TAYLOR: Okay. I'm going to object there
8 to beyond the scope. Just because, you know, he
9 provided the factual basis, but going beyond that I
10 think does get outside the particular topic here, but
11 you can answer in your individual capacity.

12 MR. HARRIS: Let me -- I'm not sure I follow
13 that, Trent. This is a question about the factual basis
14 that I'm asking. He said signage, so I want to know
15 what the signage is that provides the factual basis for
16 that. Wouldn't that be a topic that he's designated to
17 testify on?

18 MR. TAYLOR: Well, obviously this gets a
19 little tricky, Scott, because obviously this is a legal
20 pleading that was done, and as he mentioned, in
21 consultation with counsel, and one of the things we're
22 trying to do is avoid, you know, invading the purview of
23 privilege and work product here.

24 And so, you know, I think we can give a little
25 leeway on some of these, but I just want to give you

1 notice that that is a piece of it that is, you know,
2 something that we're going to be very careful about.

3 And some of the case law in this jurisdiction
4 is, I think, pretty clear about, you know, not allowing
5 impermissible attempts to inquire into the mental
6 processes and strategies of counsel.

7 What I think I'll let him do, I'll let him
8 talk about the particular kinds of signage in the
9 general sense, but I think the specifics, if we get down
10 to some of the specifics that I think, you know, is
11 getting closer to the mental processes and strategies of
12 counsel for Dollar General.

13 So given that, you can answer.

14 THE WITNESS: Yeah. As an example, well, what
15 came to mind for me was an ad sign that has an effective
16 date for a customer of a start and end date.

17 BY MR. HARRIS:

18 Q Okay. And then you mentioned also there's
19 things and receipts that would give you a factual basis
20 for this defense.

21 What's on the receipts?

22 A Yeah. As obviously a number of things on the
23 receipt, what came to mind for me was an individual
24 item's price that's ultimately charged to the customer
25 as tender when they complete the transaction.

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1 Q Do you say -- is there anything on the receipt
2 that says "double-check the pricing on the receipt" --

3 MR. TAYLOR: Objection.

4 BY MR. HARRIS:

5 Q -- "price that you were charged"?

6 MR. TAYLOR: Objection. Form. Objection.

7 Beyond the scope.

8 You can answer in your individual capacity.

9 THE WITNESS: I don't recall there's anything
10 on a receipt with regard to the statement that you made.

11 BY MR. HARRIS:

12 Q Okay. All right. I'll move to the next one.

13 Next one is "Plaintiffs' claims may be barred or reduced
14 by the doctrine of comparative fault or contributory
15 negligence."

16 What facts do you have that the plaintiffs'
17 claims may be barred by any of their actions?

18 A Again, affirmative defense is a legal matter,
19 and Dollar General prepared its response with regard to
20 that with both inside or in-house and outside counsel.

21 As I understood, here in the example was
22 plaintiffs may not have availed themselves of the
23 processes that exists for a customer to make us aware of
24 a potential price overcharge existed to include at store
25 but also in corporate processes.

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1 Q Okay. Let me ask you: What are the things --
2 the avenues available at a store that could -- to make
3 Dollar General aware someone may have been overcharged?

4 A Yeah. There's a number of them. An example
5 of one that comes to mind is notifying the cashier that
6 the price at shelf may have been different than the
7 price charged at the register, that the price is scanned
8 and shown on pin pads and/or screens, customer display
9 screens, was different than what the customer believed
10 the price should be. Again, just a few examples.

11 Q And then you mentioned also there was another
12 avenue that they could have availed themselves of.

13 What was -- that was the corporate level?

14 A Yes. In preparation for this testimony, I
15 reviewed our processes for alerting through a contact
16 outside of the store to allow a customer to make a
17 complaint of a potential price overcharge to be
18 rectified.

19 Q I'm sorry. What's the -- I'm sorry. What did
20 you review?

21 A I reviewed our mechanisms that exist or some
22 of the mechanisms that exist for a customer to make a
23 potential -- make us aware of a potential overcharge
24 outside of what I just described in store.

25 Q I'm sorry. Yeah. What are the mechanisms,

1 then, that --

2 A Yeah. Just a couple as examples. There's a
3 contact form on our website. We have a telephone
4 number, customer service number. Those are a couple of
5 the ones that come to mind.

6 Q Okay.

7 A I think you can also email.

8 Q Sorry?

9 A I'm sorry. I think you can also email as
10 another example.

11 Q What -- what -- were there anything else in
12 the store besides talking to the person at the checkout?

13 MR. TAYLOR: Objection. That misstates his
14 testimony.

15 But you can answer.

16 THE WITNESS: Yeah. Like I said, I think
17 there's a number. The ones that came to mind start with
18 notifying an employee in the store, the cashier being
19 the most likely to me to the customer.

20 BY MR. HARRIS:

21 Q Okay. And then possibly contacting the
22 manager as well? Is that another avenue?

23 A Another employee in the building.

24 Q All right. "At all times" -- for the Fourth
25 Affirmative Defense, "At all times relevant, Dollar

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1 General conducted itself in a commercially reasonable
2 manner consistent with the requisites of applicable
3 law."

4 Do you see that?

5 A I see that.

6 Q Okay. What's the factual basis for this
7 statement?

8 A And, again, an affirmative defense is a legal
9 affirmation, but as I read this and understood it,
10 commercially reasonable to include things like some of
11 what we've already described, signage on, had tags with
12 effective dates, an ability to see the price as charged
13 at the register on a customer display screen, the
14 ability to see all the details of a transaction, all the
15 lines and the prices, if one tenders in a credit card
16 transaction.

17 Just a handful as examples of those things I
18 thought were reasonably consistent with law or with
19 regard to this.

20 Q Okay. Let me go to -- I think the statute of
21 limitations is a purely legal defense on this issue.

22 Let me read through. The Sixth Affirmative
23 Defense is "Each of the causes of action alleged in the
24 Second Amended Complaint is barred, in whole or in part,
25 by the equitable doctrines of laches, estoppel, and/or

1 unclean hands."

2 Do you see that?

3 A I see that.

4 Q Okay. And what's your factual basis that the
5 plaintiffs' claims should be barred by the doctrine of
6 laches?

7 A Yeah. Again, I think the Sixth Affirmative
8 Defense is a legal defense. As I understand it, I'm not
9 an attorney and it was put together with both in-house
10 counsel and outside counsel. My understanding, as I
11 read this, was with regard to the plaintiffs, again,
12 maybe not availing themselves of mechanisms that exist
13 or existed to rectify a potential price overcharge
14 situation.

15 Q Okay. And back -- that goes back to what we
16 discussed in -- for the safe harbor defense?

17 A Yes. As I articulated, I think, similar in my
18 thinking.

19 Q Anything else in addition to that for this
20 affirmative defense?

21 A Again, a legal defense, I gave you some
22 examples of how I thought about it.

23 Q Okay. Just sitting here today, no other
24 factual basis that you can think of for these other than
25 what you said for the safe harbor defense?

1 A I'm sure there are. As I sit here right now,
2 I've given you the examples I know of.

3 Q You're prepared to testify on all the factual
4 bases for these; correct?

5 MR. TAYLOR: Well, I'm going to object to
6 that. I think he's here to give the factual bases for
7 these affirmative defenses, but, you know, the way I
8 read it is that that's at a general level and, you know,
9 he's not required to go in and give you deposition
10 transcript number or the Bates number of particular
11 documents. So, you know, I just want to put that on the
12 record.

13 BY MR. HARRIS:

14 Q All right. But --

15 A Again, to your question --

16 (Simultaneous speaking.)

17 BY MR. HARRIS:

18 Q -- in response to our notice, those are all
19 the factual bases you have today; correct?

20 (Reporter clarification.)

21 BY MR. HARRIS:

22 Q Mr. Snow, sitting here today, in preparation
23 for this deposition, the only factual basis for the
24 Sixth Affirmative Defense is what you already had
25 testified to; correct?

1 MR. TAYLOR: I'm going to object to that
2 question and for a couple reasons. Number one, because
3 some of those delves into the mental impressions that
4 I'm talking about; and number two, we're not going to be
5 held to -- you know, if he doesn't say the exact --
6 every single basis and every single reference in the
7 record at this point, you know, we're not going to be
8 held to that. I think he's articulated some of the
9 general points, and I think that puts you fairly on
10 notice of what those are.

11 Having said that, you can answer.

12 THE WITNESS: And, again, I'm not an attorney.
13 As I prepared for this with regard to the Sixth
14 Affirmative Defense, I've given you examples that come
15 to mind at the moment of mechanisms in which the
16 plaintiffs appeared not to avail themselves of avenues
17 that existed to make either the store or Dollar General
18 corporate aware of a potential price overcharge.

19 BY MR. HARRIS:

20 Q I'll move to the next one. Seventh
21 Affirmative Defense: Waiver. "Each of the causes of
22 action alleged in the Second Amended Complaint is
23 barred, in whole or in part, by the doctrine of waiver."

24 Do you see that?

25 A I see that.

1 Q Okay. And what's the factual basis for the
2 doctrine of waiver that you're aware of?

3 A Can you scroll down? I want to ensure that
4 there's not -- there we go. Thank you. I wanted to
5 make sure there wasn't another sentence.

6 Again, this is a legal defense. I'm not an
7 attorney. I think it was put together by both in-house
8 counsel and outside counsel, so I don't know that I can
9 testify further beyond that.

10 Q Okay. But nothing -- you're not aware of any
11 factual basis, then, for plaintiffs' claim being barred
12 by waiver by doctrine of waiver?

13 MR. TAYLOR: Objection. Form. Objection.
14 Misstates testimony.

15 You can answer.

16 THE WITNESS: Yeah. Again, as I think about
17 waiver, I think it relates with regard to the plaintiffs
18 not availing themselves of mechanisms that could have
19 been made to rectify a potential price variance between
20 what they believe they paid and what the shelf price was
21 stated as.

22 BY MR. HARRIS:

23 Q Okay. Thank you. Move on to the Eighth
24 Affirmative Defense. This is the failure to provide
25 adequate notice. It says "Each of the causes of action

1 alleged in the second amended complaint is barred, in
2 whole or in part, by Plaintiffs' failure to give Dollar
3 General required and adequate notice of the claim."

4 Do you see that?

5 A I see that.

6 Q And, again, the factual basis for that, is it
7 back to the same thing we discussed before about notice
8 of any -- of the price discrepancy in the store or send
9 an email to the corporate office we discussed earlier?

10 A Yeah. Again, obviously a legal defense, my
11 understanding was the plaintiffs, as I read their
12 depositions, did not take advantage or avail them
13 themselves of some of those avenues to make either the
14 store or Dollar General corporate aware of a potential
15 price overcharge.

16 Q Let me -- and one of the things it says
17 that -- failed to give Dollar General the required and
18 adequate notice of the claim.

19 Do you know, is there -- does Dollar General
20 have a policy that you're required to give them notice
21 of any claims before you initiate a lawsuit like this?

22 MR. TAYLOR: Objection. Form. Objection.
23 Beyond the scope.

24 You can answer in your individual capacity.

25 THE WITNESS: Yeah. I have no knowledge of

1 whether Dollar General has a requirement of such a thing
2 related to a lawsuit.

3 BY MR. HARRIS:

4 Q But in preparation for this, you don't know
5 what the requirement that's identified here is?

6 MR. TAYLOR: Same objection.

7 You can answer.

8 THE WITNESS: Again, it's a legal -- I don't
9 have a requirement. You asked me if I had knowledge of.
10 I'm unaware of anything with regard to that.

11 BY MR. HARRIS:

12 Q I will -- I'll skip over. I think it's a
13 legal -- Ninth Affirmative Defense is all purely legal.

14 The Tenth Affirmative Defense is existence of
15 contract. "The equitable relief sought by Plaintiffs
16 and the putative class is barred by the existence of a
17 contract."

18 Do you see that?

19 A I see that.

20 Q What's the factual basis for there was a
21 contract formed between the plaintiffs and the putative
22 class members?

23 A Again, a legal defense put together in
24 consultation with in-house counsel and outside counsel.
25 Again, as I understood this, it relates to the

1 opportunities or those not leveraged by the plaintiffs
2 to make either the store or Dollar General aware of a
3 potential price overcharge that could be rectified.

4 Q But it says there's a contract that exists.

5 Do you have any factual basis that there was a contract
6 that exists between the plaintiffs and the putative
7 class members?

8 MR. TAYLOR: Well, this is where I'm going to
9 object, Scott, because I do think, you know, whether or
10 not there is a, quote/unquote, contract is a legal
11 matter. And obviously there has been briefing already
12 about whether there's an implied contract because of the
13 transaction at issue.

14 So, you know, this really does start to get
15 into that. I'm going to allow him an opportunity to try
16 to answer that, but I did want to put that objection on
17 the record.

18 THE WITNESS: And sorry. And, again, the
19 answer, it's a legal definition of whether there's a
20 contract. My understanding, I think, about this was
21 with regard to my understanding of how a transaction --
22 what was exchanged, the goods in exchange for
23 consideration.

24 BY MR. HARRIS:

25 Q Other than that --

1 A The contract.

2 Q I'm sorry. I didn't mean to cut you off.

3 A Couldn't be a contract.

4 Q But you're not aware of any written contract
5 between the plaintiffs and Dollar General that you're --
6 that you know of?

7 A I am not aware of any written contract between
8 Dollar General and the plaintiffs.

9 Q Thank you. All right.

10 The Eleventh Affirmative Defense is about the
11 voluntary payment doctrine. It says "Each of the causes
12 of action alleged in the second amended complaint is
13 barred by the voluntary payment doctrine to the extent
14 Plaintiffs and/or the putative class members voluntarily
15 purchased the products at issue knowingly and
16 intelligently and without mistake of fact."

17 Do you see that?

18 A I see that.

19 Q And have you spoken to any of the putative
20 class members about their decisions to purchase any of
21 the products at issue in this action?

22 MR. TAYLOR: I'm going to object as beyond the
23 scope.

24 You can answer in your individual capacity.

25 THE WITNESS: I do not believe I've spoken to

1 any of the plaintiffs or potential class members.

2 BY MR. HARRIS:

3 Q Okay. Okay. I'm going back to the Twelfth
4 Affirmative Defense. If says "The monetary relief" --
5 or going to the Twelfth Affirmative Defense. "The
6 monetary relief sought by Plaintiffs and the putative
7 classes is barred to the extent that they failed to make
8 a reasonable effort -- reasonable efforts to prevent or
9 mitigate any alleged injury or loss."

10 Do you see that?

11 A I see that.

12 Q Okay. And are there any -- I think we
13 discussed earlier back with the Second Affirmative
14 Defense and the Sixth Affirmative Defense are there any
15 additional factual basis that you're aware of today with
16 regard to this defense?

17 MR. TAYLOR: Objection. Form.

18 You can answer.

19 THE WITNESS: Again, a legal defense. But as
20 I saw it, as I read it, and I read the testimony from
21 plaintiffs, it was with regard to the fact they didn't
22 avail themselves of the avenues that existed in store or
23 outside of the store to make the company aware of
24 potential price overcharge.

25 ///

1 BY MR. HARRIS:

2 Q Okay. Thank you.

3 I'm going to go to the Thirteenth Affirmative
4 Defense: Lack of proximate cause. "Dollar General is
5 not liable to Plaintiffs, in whole or in part, because
6 the losses that Plaintiffs allegedly suffered were not
7 proximately caused by any act or omission of Dollar
8 General."

9 Do you see that?

10 A I see that.

11 Q And if -- does Dollar General believe -- or
12 strike that.

13 Who do you believe -- or which factual basis
14 for that, this affirmative defense that you're aware of,
15 what's the factual basis for the affirmative defense for
16 this? I'm butchering that.

17 Do you know any factual basis for this
18 affirmative defense?

19 A Again, the Thirteenth Affirmative Defense is a
20 legal one and created with in-house counsel and outside
21 counsel.

22 I -- I do not --

23 Q Okay.

24 A -- beyond that.

25 Q All right. I'll move on to the Fourteenth

1 Affirmative Defense: Insubstantial number of putative
2 class members affected.

3 "The purported claims made by Plaintiffs and
4 members of the purported class on whose behalf they
5 purport to sue are precluded because the alleged conduct
6 would not -- would have affected, if anyone, only an
7 insubstantial number of putative class members."

8 Do you see that?

9 A I see that.

10 Q Do you know how many people in New York may
11 have been affected by the allegations in the complaint?

12 MR. TAYLOR: Okay. So first of all, I'm going
13 to object to this one as getting purely into legal.
14 With regard to your specific question, I believe that's
15 outside the scope of the topic, but I will allow him to
16 answer in his individual capacity.

17 MR. HARRIS: I'm -- how is that outside the
18 scope if I'm asking the factual basis for the -- well,
19 strike that. Let me rephrase the question, then.

20 BY MR. HARRIS:

21 Q Do you know what the -- what the number of
22 putative class members there are in this case?

23 MR. TAYLOR: So I'm going to object. Calls
24 for a legal conclusion, and object to form, and object
25 to beyond the scope.

1 You can answer in your individual capacity.

2 THE WITNESS: Yeah. I'm unaware of the number
3 of members. The -- beyond the plaintiffs that could be
4 members of the purported class.

5 BY MR. HARRIS:

6 Q Okay. So when you say "insubstantial," do you
7 mean only the plaintiffs or only members of the class --
8 putative class?

9 MR. TAYLOR: I'm going to make the same
10 objections as to beyond the scope and -- but you can
11 answer in your individual capacity.

12 THE WITNESS: Yeah. Again, beyond the
13 plaintiffs, don't have a way. I'm sorry. Don't believe
14 there's substantial numbers of potential class members.

15 BY MR. HARRIS:

16 Q Okay. But do you know -- but you don't know
17 the number of people who were affected by the
18 allegations in the complaint; is that correct?

19 MR. TAYLOR: Same objections.

20 You can answer.

21 THE WITNESS: Again, I've seen nothing in the
22 record to substantiate a number of potential class
23 members.

24 BY MR. HARRIS:

25 Q Okay. The -- I'll move on to the Fifteenth

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1 Affirmative Defense. And this may be purely legal, but
2 let me just confirm.

3 "The purported class cannot be certified under
4 the Federal Rules of Civil Procedure 23 because the
5 purported class, class representatives and/or class
6 counsel fail to meet the typicality, commonality,
7 adequacy, superiority, and predominance requirements for
8 class actions, and also fail to meet the standards
9 articulated in *Spokeo versus Robins*."

10 Do you see that?

11 A I see that.

12 Q Okay. And anything about our -- about the
13 plaintiffs in this -- Mr. and Mrs. Wolf in this matter
14 that you believe are atypical of other people who have
15 shopped at Dollar General stores in New York during the
16 relevant time period?

17 MR. TAYLOR: So I'm going to object to that
18 because that does call, I think very clearly in my mind,
19 for a legal conclusion and is really getting into the
20 mental impressions and strategies of counsel. And
21 frankly, this is -- I know it says "affirmative defense"
22 and this is put in as sort of a belt and suspenders, but
23 it's not truly an affirmative defense at all because it
24 goes to class certification.

25 So, you know, I think that's really, you know,

1 not an appropriate question here because this is purely
2 legal, and so, you know, I'm going to allow the witness
3 to answer, but to do so in his individual capacity.

4 THE WITNESS: Again, the Fifteenth Affirmative
5 Defense is clearly a legal defense created both with
6 in-house counsel and outside counsel.

7 There's -- based on the record I've seen,
8 the -- the plaintiffs appear to be a small number versus
9 the total number of transactions that exist across the
10 stores in New York during the period of time.

11 BY MR. HARRIS:

12 Q Okay. And you said based upon the document --
13 did you say you've seen something that says it's a very
14 small amount of plaintiffs? Is that -- I don't want to
15 misrepresent what you said, but can you repeat what you
16 said about that?

17 A Sorry. The plaintiffs, I only understand to
18 be two plaintiffs.

19 Q Okay. You're not aware of anyone else who
20 made the -- who may have been overcharged during the
21 past three or four years in New York State?

22 A No. I --

23 MR. TAYLOR: Wait. Objection. Beyond the
24 scope.

25 You can answer in your individual capacity.

1 THE WITNESS: I'm unaware of anyone else
2 overcharged.

3 BY MR. HARRIS:

4 Q I think --

5 A Being overcharged.

6 Q I'm sorry. You're prepared to testify about
7 the Seventeenth Affirmative Defense, which says -- I'm
8 sorry, the Sixteenth Affirmative Defense: "Plaintiffs'
9 purported class claims are barred because the members of
10 the class are not so numerous that it would be
11 impracticable and uneconomical to require joinder of
12 each class member."

13 Do you see that?

14 A I see that.

15 Q Okay. And, again, to your knowledge sitting
16 here today, you're only aware of two people who may have
17 been overcharged in the State of New York during the
18 relevant time period?

19 MR. TAYLOR: So objection. Beyond the scope.
20 He can answer in his individual capacity. I'm also
21 going to object because whether or not something is
22 numerous so that it would be impracticable and
23 uneconomical to require joinder is clearly a legal
24 question and is for the lawyers, not for this witness.

25 But you can answer in your individual

1 capacity.

2 THE WITNESS: Again, a legal defense created
3 with in-house counsel and outside counsel.

4 As Mr. Taylor said, it appears it is a legal
5 question, and I don't think I can add anything.

6 BY MR. HARRIS:

7 Q Okay. But I guess back to the factual basis,
8 I'm entitled to ask you about the factual basis for your
9 affirmative defenses, and I understand you were prepared
10 to testify to that today; is that correct?

11 MR. TAYLOR: Hold on. Wait. So he will
12 testify on this particular topic to the extent that he
13 can, the factual basis for any affirmative defense to
14 which DG contends it is entitled to in this matter at a
15 general level and not delving into legal.

16 I have -- I'm more than happy to have, you
17 know, 12 cases here that I can cite to you that's saying
18 that it's inappropriate to use a 30(b)(6) deposition to
19 ascertain how a party intends to marshal the facts and
20 support its legal theories.

21 You know, as I've said before, Scott, I'll
22 give you a little bit of leeway here on this particular
23 point, but I really do think that getting into class
24 certification and whether the particular provisions of
25 Rule 23 are met in this particular place is

1 inappropriate, and I frankly don't think it's fair, and
2 I really do think it's a waste of time. But it's your
3 deposition.

4 So given all of that, I will allow him to
5 answer in his individual capacity about this purely
6 legal question to the extent that he can.

7 MR. HARRIS: If he's not adequately prepared,
8 then we can go to the judge on this, Trent.

9 BY MR. HARRIS:

10 Q But please just answer to the best of your
11 knowledge, Mr. Snow.

12 MR. TAYLOR: Well, hold on. I'm going to
13 respond to that, Scott.

14 I disagree that he's not adequately prepared.
15 I -- you know, like I said, there's abundant case law.
16 I'm more than happy to have this discussion, and I would
17 love to go to the judge on this because I think he's
18 going to be upset that you are wasting the time to go
19 through each and every affirmative defense that relates
20 to whether class certification requirements are met.

21 MR. HARRIS: That is not my question. Please
22 stop the speaking objections, Trent. This is -- all I
23 want to know is the factual basis for each one of these
24 affirmative defenses like he's been prepared to testify
25 on.

1 MR. TAYLOR: And I guess what I'm saying is
2 whether or not the numerosity requirement under Rule 23
3 is met is a legal question, not a factual one.

4 MR. HARRIS: All I want to know is how many
5 people does he know have been affected by the
6 allegations in the complaint, and he's saying that it's
7 not so numerous, so obviously I need to ask him about
8 that and explore what he knows.

9 MR. TAYLOR: And I understand. And, you know,
10 the last thing I want to do is get into a big fight over
11 this. But what I will say is he can answer in his
12 individual capacity, and if we need to talk offline
13 about, you know, the specifics of this or how to, you
14 know, get perhaps some of the information that you might
15 need or want on this, then I'm happy to do that.

16 MR. HARRIS: Thank you. All right.

17 BY MR. HARRIS:

18 Q Let me ask the question this way: Mr. Snow,
19 do you know how many people have been overcharged -- or
20 strike that.

21 Mr. Snow, do you know in the -- during the
22 relevant time period of this class action, which I think
23 goes back to approximately 2020, in the State of New
24 York, how many people may have been overcharged besides
25 the plaintiffs?

1 MR. TAYLOR: Objection. Beyond the scope.

2 You can answer in your individual capacity.

3 THE WITNESS: I have no knowledge of any
4 additional people outside of the plaintiffs' claim that
5 they were overcharged in the State of New York during
6 the period of time.

7 BY MR. HARRIS:

8 Q Let me move to the Eighteenth Affirmative
9 Defense, which is the failure to exhaust other available
10 remedies. "The purported claims made by Plaintiffs and
11 members of the purported class on whose behalf they
12 purport to sue are precluded or limited because
13 Plaintiffs and other members of the purported class on
14 whose behalf they purport to sue failed to exhaust other
15 available remedies."

16 Do you see that?

17 A I see that.

18 Q And what available remedies are there other
19 than the ones we've discussed before? And you don't
20 need to repeat everything, but you can incorporate your
21 previous testimony if we've covered everything.

22 A Yeah. Again, a legal defense, but those that
23 come to you, other legal remedies -- or sorry, other
24 remedies include those I've already stated. Notifying a
25 cashier for an item level price override if they believe

1 there's been an error, a refund is an example, and then
2 numerous ways to contact Dollar General corporate to
3 also have that rectified, include some of them.

4 Q All right. And the next one is the Nineteenth
5 Affirmative Defense, which is intervening or superseding
6 cause. "Plaintiffs' alleged injuries were caused by an
7 intervening or superseding cause."

8 Is there a factual basis that you're aware of
9 as to whether causes may have been -- may have caused
10 plaintiffs' alleged injuries in this matter?

11 A Again, Nineteenth Affirmative Defense is a
12 legal one. I think, as I thought about this, it was the
13 example -- or I'm sorry. Reading through the deposition
14 of plaintiffs with regard to being aware and not taking
15 actions if they believe they were overcharged to have
16 those rectified through a series of options that exist
17 both in store and outside of the store to get those
18 corrected.

19 Q Okay. The next one is the Twentieth
20 Affirmative Defense: "Plaintiffs are precluded from
21 recovery because the representations, actions, or
22 omissions alleged by Plaintiffs were not and are not
23 material to Plaintiffs' decisions to purchase or use
24 Dollar General's products."

25 Do you see that? I'm sorry. I can scroll

1 down better.

2 A I'm sorry. Was there a question?

3 Q I just said, "Do you see the Twentieth
4 Affirmative Defense?" I just read it out loud.

5 A Yes. I see it.

6 Q Okay.

7 MR. TAYLOR: Sorry. You were cutting out
8 there a little bit, Scott. Apologies.

9 BY MR. HARRIS:

10 Q What -- what's the factual basis that the
11 decision to purchase or use General -- the purchase --
12 strike that.

13 What was -- what's the factual basis that the
14 plaintiffs' decision to purchase or use Dollar General's
15 products was not material?

16 A And, again, the Twentieth Affirmative Defense
17 is a legal one created by in-house counsel and outside
18 counsel. As I reflected on this, again, it goes back to
19 those -- did the plaintiffs take advantage of the series
20 of remedies, both in store and outside of the store, if
21 they believed that there was a price discrepancy between
22 what they believed to be the price and that charged at
23 the register.

24 Q Okay. I'm going to scroll down. I think
25 Twenty-First is a purely legal. Twenty-Second is purely

1 legal.

2 The Twenty-Third, I'm not sure if this is
3 purely legal or not, but "There is no basis for
4 restitution as Dollar General has not been unjustly
5 enriched."

6 Do you see that? Do you see it, Mr. Snow?

7 A I'm sorry. I see it.

8 Q Okay. And then is there any factual basis for
9 this that you're aware of?

10 MR. TAYLOR: I'm going to object to form and
11 object that this is, at least in my mind, legal.

12 But he can answer if he is able.

13 THE WITNESS: Yeah. Again, a legal defense on
14 the Twenty-Third Affirmative Defense created by in-house
15 counsel and outside counsel.

16 Again, the -- sorry. The Dollar General
17 factual has not been unjustly enriched through that
18 process.

19 BY MR. HARRIS:

20 Q Okay. Let me go to Twenty-Fourth. It says
21 "Plaintiffs are estopped from pursuing relief in this
22 action against Dollar General to the extent that
23 Plaintiffs proceeded with prosecution of any other
24 class, consolidated, or individual action in any
25 jurisdiction against Dollar General, including but not

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1 limited to those certain actions instituted prior or sub
2 went to this action."

3 Do you see that?

4 A I see that.

5 Q Okay. And have there been any other actions
6 that you're aware of in the State of New York regarding
7 similar-type claims?

8 A I'm unaware --

9 MR. TAYLOR: Objection. Form.

10 You can answer.

11 THE WITNESS: I'm unaware of other actions in
12 the State of New York with regard to these claims.

13 BY MR. HARRIS:

14 Q All right. All right. I'll go to the
15 Twenty-Fifth Affirmative Defense, "Plaintiffs' alleged
16 injuries and damages were due to, and proximately caused
17 by, in whole or in part, other events, conditions,
18 instrumentalities, and/or acts or omissions of an
19 individual or entity over whom or which Dollar General
20 exercised no control."

21 Do you see that?

22 A I see that.

23 Q Do you know which -- are there other
24 individuals or entities that you're aware of for this
25 affirmative defense?

1 MR. TAYLOR: I'll object to a legal conclusion
2 and because I think it can delve into the legal aspect
3 of it. But I'll allow him to answer if he's able on
4 that particular point.

5 THE WITNESS: Obviously, a legal defense, the
6 Twenty-Fifth Affirmative Defense. As I read and as I
7 prepared for this, what came to mind was instances where
8 other customers have removed signage with regard to a
9 pricing label at a shelf, which would inherently not be
10 entities or individuals over whom Dollar General
11 exercises any control.

12 BY MR. HARRIS:

13 Q Have you seen some reports of that occurring
14 in stores?

15 A I've actually seen that myself.

16 Q Really? Where did you see that?

17 A I saw that in a store.

18 Q Which store and when?

19 A I don't recall exactly which store. I'm in a
20 lot of stores.

21 Q Okay. But do you have any reports that you've
22 received about any stores in New York where this
23 occurred?

24 A I don't have any reports that I can recall
25 where this occurred in New York.

1 Q I think the Twenty-Sixth Affirmative Defense
2 is similar to the Twenty-Fifth. "The negligence or
3 fault of others, over whom Dollar General exercises no
4 control, was a, or the sole, proximate cause of
5 Plaintiffs' injuries."

6 Was there anyone else besides what you just
7 mentioned in the previous affirmative defense that
8 you --

9 A Yeah. Again, in the Twenty-Sixth Affirmative
10 Defense, I think it's with regard to other customers or
11 other people in the store for whom Dollar General does
12 not exercise control have the ability to impact the
13 scenario or in a scenario where the price label at shelf
14 could be different than that charged at the register.

15 Q The next one is the Twenty-Seventh Affirmative
16 defense. "Dollar General is entitled to a setoff
17 against any damages awarded to Plaintiffs for all
18 payments made by any collateral source, including any
19 funds paid in settlement on behalf of other joint
20 tortfeasors and settling parties."

21 Do you see that?

22 A I see that.

23 Q Are you aware of any other entities that
24 provided any funds to plaintiffs for this matter?

25 A I'm unaware of any other entities that have

1 provided funds in settlement of this matter.

2 Q I think the Twenty-Eighth, the Twenty-Ninth,
3 Thirtieth, Thirty-First, Thirty-Second, and
4 Thirty-Third, Thirty-Fourth are all affirmative
5 defenses.

6 Thirty-Fifth is the comparative causation.

7 "Plaintiffs' claims are limited or barred to the extent
8 Plaintiffs' own actions caused any alleged damage."

9 Can you elaborate on what those actions are?

10 A Yeah. With regard to the Thirty-Fifth
11 Affirmative Defense, it would be with regard to
12 plaintiffs' not availing themselves of an opportunity to
13 correct a potential price discrepancy. Again, we've
14 already mentioned through the mechanisms that exist in
15 the store and also those outside of the store.

16 Q Okay. Anything else we haven't discussed
17 earlier?

18 A There are. I'm sure there are. None that
19 come to mind at the moment.

20 Q Okay. Let me go to the Thirty-Seventh
21 Affirmative Defense. "Plaintiffs' claims are barred in
22 whole or in part by the doctrine of accord and
23 satisfaction."

24 Are you aware of any factual basis for this
25 affirmative defense?

1 A Pardon me. Again, the Thirty-Seventh
2 Affirmative Defense is a legal defense created by our
3 in-house counsel and outside counsel.

4 On the accord and satisfaction, I point again
5 to the plaintiffs not availing themselves of the
6 opportunities that do exist in store and outside of the
7 store to identify and be made or rectified a potential
8 price override situation -- I'm sorry, a potential price
9 overcharge situation.

10 BY MR. HARRIS:

11 Q Okay. Let me go to the Fortieth Affirmative
12 Defense, which is "Plaintiffs and the putative class
13 members lack standing to assert the causes of action for
14 the products and the relief alleged in the Complaint."

15 Do you have a factual basis for this
16 affirmative defense?

17 MR. TAYLOR: I'm going to object to that one.
18 Scott, I see that as purely legal, whether or not the
19 particular plaintiff or a class member has standing, so
20 I'm going to object to that.

21 He can answer in his individual capacity if he
22 is able.

23 THE WITNESS: And, again, I would point to
24 that being a legal defense created by in-house counsel
25 and outside counsel with regard to the legal matter of

1 standing for a given plaintiff.

2 BY MR. HARRIS:

3 Q Okay. Let me go to the next, the Forty-First
4 Affirmative Defense. "Plaintiffs and the putative class
5 members who did not experience any price discrepancies
6 or were refunded for any alleged price discrepancy lack
7 standing to assert the causes of action for the products
8 and the relief alleged in the complaint."

9 Do you see that?

10 A I see that.

11 Q Are you aware whether the plaintiffs were
12 refunded any money by Dollar General?

13 A I'm unaware that the plaintiffs were refunded
14 money by Dollar General.

15 Q Okay. Are you aware if any putative class
16 members have been refunded money due to price
17 discrepancies?

18 MR. TAYLOR: I am going to object to that one
19 as getting into what I've talked about before, legal
20 conclusions, as well as the mental impressions related
21 to putative class members, but he can answer in his
22 individual capacity.

23 THE WITNESS: With regard to the Forty-First
24 Affirmative Defense, I had seen examples of refunds in
25 the State of New York. It's unclear to me as to what

1 the purpose of the refund was.

2 BY MR. HARRIS:

3 Q Let me -- let me -- so are you aware of anyone
4 who may have been overcharged in the State of New York
5 during the relevant time period?

6 A I am not aware of anyone overcharged in the
7 State of New York.

8 Q Okay. And so are you aware of anyone who may
9 have been -- who may have been -- who may have received
10 a refund for allegedly being overcharged during the
11 relevant time period in the State of New York?

12 MR. TAYLOR: I'm going to object to beyond the
13 scope.

14 You can answer in your individual capacity.

15 MR. HARRIS: I think this is part of the
16 scope. This is Topic 19.

17 MR. TAYLOR: Sorry. Say that again.
18 Topic 19?

19 MR. HARRIS: Topic 19 and also Topic 26.

20 MR. TAYLOR: The process for identifying DG
21 customers and -- okay. Well, I guess what I'm saying is
22 on this particular one, Scott, I think our position is
23 that if you're asking about lack of standing, you know,
24 that's a legal determination.

25 And if you want to switch over and, you know,

1 talk referring to Topic 19, you know, I think that's
2 maybe a different matter. But I think we've got to be
3 careful not to conflate the two here because this is a
4 legal matter and it does get into what I mentioned
5 earlier, the sensitive nature of the mental impressions
6 and strategies of counsel. So that's why I'm trying to
7 be careful here on that particular point.

8 So for the specific question in which you
9 asked, I will allow him to testify in his individual
10 capacity.

11 MR. HARRIS: Let me ask the question that --
12 he's here to testify about the factual basis for these
13 affirmative defenses; correct?

14 BY MR. HARRIS:

15 Q Mr. Snow, please answer.

16 MR. TAYLOR: Well, hold on. Wait a second.
17 He is here to testify as he is able subject to our
18 objections on Topic 26.

19 You can answer that question.

20 THE WITNESS: Yes. I'm here to testify on
21 behalf of Topic 26.

22 MR. HARRIS: Okay. And I've not once asked
23 him about the lack of standing.

24 BY MR. HARRIS:

25 Q My question is: Are you aware of anyone who

1 may have been subject to an overcharge in the State of
2 New York in the relevant time period who also
3 received -- who received a refund of any kind?

4 MR. TAYLOR: And I'm going to object to that
5 as beyond the scope because that is not the particular
6 topic.

7 But you can answer in your individual
8 capacity.

9 THE WITNESS: I'm unaware of anyone
10 overcharged who received a refund. What I am aware of
11 in preparation for being able to discuss customer
12 service notifications as part of this, that there were
13 individuals in New York who received refunds through our
14 customer service process.

15 BY MR. HARRIS:

16 Q Okay. So you have a factual basis for the
17 putative class members received a refund; is that -- for
18 this affirmative defense; is that correct?

19 A I'm sorry. Can you repeat the question again?

20 Q Yes. Based upon this -- I'm asking about the
21 factual basis for this affirmative defense, that there
22 were putative class members who received a refund in the
23 State of New York in the relevant time period.

24 Is that your testimony?

25 A I have seen evidence that customers in the

1 State of New York received compensation for alleged
2 price discrepancies.

3 Q Okay. And what -- do you recall what document
4 that was?

5 A I saw evidence of that through materials
6 produced in discovery of email information from our
7 customer service teams.

8 Q Okay. Did you recall, was it a list of the
9 customers who received that or do you recall -- can you
10 describe that document to me in more detail as to
11 whether it was a spreadsheet identifying the customers
12 and the amounts they were refunded, or was it something
13 different?

14 MR. TAYLOR: I'm going on object to beyond the
15 scope as the factual basis, not the specific
16 Bates-numbered document, which is completely unfair
17 given that we have produced, you know, 45,000 pages.
18 Having said that, if he can answer in his individual
19 capacity, then he can do so.

20 MR. HARRIS: Will you please not do this
21 talking objections, Trent? This is just getting
22 obscene. I'm sorry. But this is just very, very
23 frustrating. I'm trying to find out the factual basis
24 for his testimony, and you're changing my question,
25 which is improper, against -- and not part of the rules.

1 MR. TAYLOR: Well, Scott, you know --

2 MR. HARRIS: You're coaching the witness.

3 MR. TAYLOR: No. I'm not coaching the
4 witness. I think this entire line of questioning is
5 unfair. There are some affirmative defenses which are
6 factual that you can get into, but there are many of
7 these that are purely legal, and it's not fair to ask
8 him these questions.

9 MR. HARRIS: You can object to my form,
10 please, Trent. This is unfair to me to ask my question.

11 BY MR. HARRIS:

12 Q All I want to know is what was the document --
13 I asked him to describe the document. I didn't ask him
14 for the Bates number. You rephrased my question in that
15 way. That's why "objection to form" is the proper way
16 to object.

17 BY MR. HARRIS:

18 Q So, Mr. Snow, please identify, to the best of
19 your knowledge, what kind of document it was that you
20 saw. That's all I want to know.

21 MR. TAYLOR: Well, and so, Scott, what I'm
22 going to say is this: Is that I believe that goes
23 beyond the scope. He has given the factual basis.
24 Factual source is not part of this topic, and therefore
25 it's beyond the scope. So he can give you that

1 information in his individual capacity.

2 So you can answer in your individual capacity.

3 MR. HARRIS: So are you going to waive these
4 affirmative defenses, then, if you're not letting him
5 testify about the factual basis for these for what he's
6 seen?

7 MR. TAYLOR: Sorry. You cut out there, Scott.
8 I didn't hear you.

9 MR. HARRIS: Are you going to waive your
10 affirmative defenses because you're not allowing him to
11 testify as a 30(b)(6) witness?

12 MR. TAYLOR: Well, Scott, I'm more than happy
13 to have a conversation with you about when it's improper
14 to delve into or use the 30(b)(6) mechanism to get into
15 how counsel is going to marshal the facts and support
16 its legal theories, and if you want me to give you those
17 case citations so you can go read those, I'm more than
18 happy to do so.

19 MR. HARRIS: All I want is the answer to my
20 question, please.

21 BY MR. HARRIS:

22 Q Mr. Snow, will you answer --

23 MR. HARRIS: These talking objections are
24 just -- just so beyond the pale, Trent. I've never
25 dealt with something like this in my 20 years of

1 practicing law or 18 years of practicing law. Excuse
2 me.

3 BY MR. HARRIS:

4 Q But please answer the -- the question I'm
5 asking is: You're aware of some people who have
6 received refunds for alleged over -- being overcharged.

7 Is that -- is that your testimony, Mr. Snow?

8 A I recall seeing an email with regard to a
9 customer service associate suggesting a refund to a
10 customer who had notified us that they believe they were
11 overcharged for a price.

12 Q Do you recall how many customers there were?

13 A No, I don't.

14 Q Okay. Do you think it was more than five or
15 less than five?

16 MR. TAYLOR: I'm going to object. Beyond the
17 scope.

18 You can answer in your individual capacity.

19 THE WITNESS: Yeah. I don't have any basis
20 for a count.

21 BY MR. HARRIS:

22 Q Okay. I'll go to -- I'll skip the Forty-Third
23 and Forty-Fourth.

24 The Forty-Fifth is examination of products.

25 "Plaintiffs and the putative class members had the

1 opportunity to examine, and did or should have examined
2 the products at issue, and such an examination did or
3 should have under a reasonable examination, reveal the
4 alleged deceptive and/or misleading conduct, the alleged
5 omission, and/or the alleged defect."

6 Do you see that?

7 A I see that.

8 Q Okay. And what's your factual basis for this
9 statement? Is it -- let me ask you that.

10 A Yeah. The factual basis for this is, again,
11 whether plaintiffs had the opportunity to avail
12 themselves of the mechanisms if they believed that there
13 was a price overcharge that existed both in the store
14 and outside of the store.

15 Q Okay. The next one says "Plaintiffs' claims
16 are barred, in whole or in part, by the application of
17 the doctrine of caveat emptor."

18 Do you see that?

19 A I do.

20 Q Are there any kind of signs on the stores that
21 say "caveat emptor" of any kind or "buyer beware"?

22 MR. TAYLOR: Objection. Beyond the scope.

23 You can answer.

24 THE WITNESS: I don't believe I've seen a sign
25 in the store of "caveat emptor" or "buyer beware."

1 BY MR. HARRIS:

2 Q Okay. Is there any other factual basis that
3 you're aware of for this affirmative defense?

4 A And, again, I think the factual basis for the
5 affirmative defense here is there's mechanisms in store
6 to make customers aware of the price that they are
7 ultimately being rung and then ultimately tendered to
8 include a customer display of every item scanned and its
9 price as well as a receipt with the information of price
10 listed for every item.

11 Q Let me go to -- well, the Forty-Seventh says
12 "Each of the causes of action alleged in the complaint
13 is barred by the primary jurisdiction doctrine because
14 adjudication of Plaintiffs' claims requires resolution
15 of issues that lie within the specific expertise of
16 state and/or federal regulatory bodies."

17 Do you see that?

18 A I see that.

19 Q Is there any -- and I know were there any
20 factual basis for which regulatory bodies are being
21 referred to here?

22 MR. TAYLOR: I'm going to object because that
23 is purely legal. Calls for a legal conclusion. And
24 it's beyond the scope.

25 He can answer in his individual capacity.

1 THE WITNESS: And in my -- the Forty-Seventh
2 Affirmative Defense is that. It's a legal defense was
3 created by in-house counsel and outside counsel.

4 BY MR. HARRIS:

5 Q Okay. Let me. Okay. The Forty-Ninth
6 Affirmative Defense: "Plaintiffs had actual or
7 construct notice or knowledge of any alleged discrepancy
8 between the price listed on store shelf and the scan
9 price at register because, without limitation to other
10 facts, Plaintiffs' ability to view the shelf price, the
11 scan price on a register display, and the price charged
12 and paid on a receipt. These circumstances also
13 establish the full disclosure of the terms and
14 conditions of the transactions giving rise to
15 Plaintiffs' claims."

16 Do you see that?

17 A I see that.

18 Q Okay. And this goes back to what we've been
19 discussing the past hour, hour and a half or so; is that
20 correct? Is there anything else that you're aware of --

21 MR. TAYLOR: Objection. Form.

22 BY MR. HARRIS:

23 Q -- for factual basis for this? Sorry.

24 MR. TAYLOR: Objection. Form.

25 You can answer.

1 THE WITNESS: Yeah. Again, on the Forty-Ninth
2 Affirmative Defense, with regard to the plaintiffs not
3 availing themselves of some of the mechanisms that exist
4 in store and outside of the store to include a customer
5 display register, a pin pad that produces information of
6 price per item and then ultimately a receipt after an
7 item has been tendered.

8 BY MR. HARRIS:

9 Q Okay. There was a mention here of it says
10 "Full disclosure of the terms and conditions of the
11 transactions giving rise to Plaintiffs' claims."

12 Do you see that?

13 A I see that. Yes.

14 Q Okay. What -- are there -- are there some
15 kind of terms and conditions that are posted in a store
16 that you're aware of?

17 MR. TAYLOR: Objection. Beyond the scope.

18 You can answer in your personal capacity.

19 THE WITNESS: I'm unaware of terms and
20 conditions posted in a store.

21 BY MR. HARRIS:

22 Q Okay. What's the factual basis for what terms
23 and conditions are referred to here?

24 A With regard to the factual basis to terms and
25 conditions here would include those listed on our

1 website made available to customers with regard to
2 transaction with Dollar General.

3 Q Sorry. You're saying that they should have
4 reviewed the terms and conditions on Dollar General's
5 website?

6 Did I understand that?

7 MR. TAYLOR: Wait a second. Objection. Calls
8 for a legal conclusion. Objection. Beyond the scope.

9 You can answer in your individual capacity.

10 THE WITNESS: No, I did not say that. I said
11 there are terms and conditions posted on our website.

12 BY MR. HARRIS:

13 Q Okay. Let me ask it this way then. Okay. So
14 for the terms and conditions, to your knowledge, there's
15 nothing in the store that would have the terms and
16 conditions that are on the website as well in the store?

17 A I do not believe we have the terms and
18 conditions of our website posted in the store.

19 Q All right. Then the Fiftieth Affirmative
20 Defense is "The allegedly liable conduct is not consumer
21 oriented for purposes of New York General Business Law
22 349."

23 Let me ask you: What's the factual basis for
24 that these acts are not consumer oriented?

25 MR. TAYLOR: I'm going to object to that one

1 as calls for a legal conclusion and beyond the scope
2 because it calls for a legal conclusion.

3 But he can answer in his individual capacity
4 if he knows.

5 THE WITNESS: Fifty-First Affirmative Defense,
6 obviously a legal defense created by in-house and
7 outside counsel. With regard to additional knowledge, I
8 don't have any.

9 BY MR. HARRIS:

10 Q Do you know what do you call the customers in
11 the store in New York?

12 MR. TAYLOR: Objection. Beyond the scope.

13 You can answer in your individual capacity.

14 THE WITNESS: I'm sorry, Mr. Harris. Can you
15 repeat the question?

16 BY MR. HARRIS:

17 Q How do you refer -- people who come into your
18 store and purchase products, how do you define or how do
19 you describe those people?

20 MR. TAYLOR: Same objection.

21 THE WITNESS: I would define them as a
22 customer.

23 BY MR. HARRIS:

24 Q Okay. But not as a consumer?

25 MR. TAYLOR: Same objection.

1 THE WITNESS: Yeah. I would define them as a
2 customer.

3 BY MR. HARRIS:

4 Q Okay. All right. I think Fifty-First is a
5 legal defense.

6 The last one, though, reservation of
7 additional defenses: "Dollar General presently has
8 insufficient knowledge or information on which to form a
9 belief as to whether it may have additional, as yet
10 unstated, affirmative defenses available. Dollar
11 General hereby reserves the right to amend its answer to
12 raise additional affirmative defenses as they become
13 available or apparent to it through discovery in this
14 matter or otherwise."

15 Is there any additional factual basis that
16 you're aware of sitting here today for this additional
17 defense?

18 MR. TAYLOR: I'm going to object to the extent
19 that calls for a legal conclusion.

20 But you can answer.

21 THE WITNESS: As I understand it, the
22 reservation of additional defenses, when these initial
23 affirmative defenses were made, discovery had not yet
24 occurred, and so the reservation of the additional
25 defenses would be those that would become available as

1 we became more knowledgeable on the topics as alleged in
2 the complaint.

3 BY MR. HARRIS:

4 Q But sitting here, is there any other factual
5 basis that you're aware of for a reason for additional
6 defenses?

7 MR. TAYLOR: Objection. Calls for a legal
8 conclusion. That calls for the application of facts to
9 legal and goes exactly to what I was talking about
10 earlier in terms of the application, the mental
11 impressions, mental strategies of counsel, so I'm going
12 object to that.

13 But you can answer in your individual
14 capacity.

15 THE WITNESS: And I haven't reviewed the whole
16 record. Obviously, I'm not an attorney. But I'm
17 certain there are additional legal defenses that have
18 become known to us through the record.

19 BY MR. HARRIS:

20 Q And I'm not asking about legal defenses. I'm
21 asking about factual defenses -- factual basis for any
22 defenses.

23 A Sorry.

24 MR. TAYLOR: So same objection.

25 You can answer in your individual capacity.

1 THE WITNESS: Same. Please interchange the
2 word "legal defenses" for "factual defenses."

3 MR. HARRIS: Okay. All right. Thank you.

4 All right. I know it's 2:00 here. I want to
5 grab some lunch. Why don't we go off the record. How
6 long do you think y'all need?

7 MR. TAYLOR: Let's plan on maybe 30 minutes if
8 that's okay.

9 MR. HARRIS: That's fine. I'll just do emails
10 and come back on. How about 2:30 then?

11 MR. TAYLOR: Yeah. We'll plan on that. We'll
12 let you know if we get held up. We'll email with you.
13 Okay?

14 MR. HARRIS: Great. Sounds good. Should we
15 log off? I guess we can just shut it down.

16 MR. TAYLOR: Yeah. We can go off the record.

17 THE VIDEOGRAPHER: Going off the record. The
18 time is 12:55.

19 (Off the record.)

20 THE VIDEOGRAPHER: Back on the record. The
21 time is 1:37.

22 BY MR. HARRIS:

23 Q Great. Mr. Snow, we're back on the record now
24 after a lunch break. I wanted to switch to going
25 through the discovery responses, which was Topic 25, I

1 believe.

2 Let me share my screen again. Actually, let
3 me upload this to the share file again. I apologize. I
4 should have done it while we're off camera.

5 All right. I just uploaded those. Now I'm
6 going to share my screen.

7 Mr. Harris, I see you're not assigning Exhibit
8 Number 3 to the Exhibit Share. Is this going to be
9 Exhibit 3?

10 MR. HARRIS: It is. Thank you. I'm sorry. I
11 don't know how to do that. If you could do that for me.

12 (Exhibit 3 was marked for identification.)

13 BY MR. HARRIS:

14 Q I'm showing and marking as Exhibit 3, which
15 are Dollar General's second supplemental objections to
16 answers and answers to plaintiffs' first set of special
17 interrogatories.

18 Do you see that?

19 A I see that.

20 Q I'm not going to go through every single one,
21 but I want to go through --

22 MR. TAYLOR: Mr. Harris, could I ask you to
23 zoom in again?

24 MR. HARRIS: Yeah. Of course. I will.

25 MR. TAYLOR: Thank you.

1 MR. HARRIS: Thank you for reminding me.

2 BY MR. HARRIS:

3 Q It's my understanding that you -- hold on.

4 Let me zoom in now. Okay.

5 Did you help and prepare and respond to some
6 of these interrogatories; is that correct?

7 A That's correct.

8 Q And Interrogatory 1 is identifying who
9 provided any of the discovery requests or answers to
10 these discovery requests, and if you look down at the
11 answer or the last sentence, it's "Information
12 sufficient to answer these interrogatories was
13 contributed by a variety of individuals, all of whom are
14 employees of Dolgen Midwest, LLC, or Dollar General
15 Corporation, including Brian Haug, and Amelin Kennedy,
16 Marsha Murrow, Teri Rakausky, Rebecca O'Brien, Mia
17 Savaloja, Nick Snow, Kim Eden, and Philip Trentle."

18 Do you see that?

19 A I do.

20 Q And are those people still employed by Dollar
21 General?

22 A I know some of them, and the ones I know are
23 still employed, I believe, by Dollar General.

24 Q Okay. Who -- I want to go through who you
25 know. Let me ask. Well, first, do you know Mr. Haug?

1 A I know Mr. Haug.

2 Q And have you -- did you speak with him in
3 preparation for this deposition today?

4 A I did not.

5 Q Okay. Have you spoken to Mr. Haug about this
6 action at all?

7 A I have.

8 Q Okay. When did you speak with Mr. Haug?

9 A I speak with Mr. Haug frequently.

10 Q What was the -- do you recall what you
11 discussed about this lawsuit?

12 A We didn't discuss this lawsuit. I mentioned I
13 was having the deposition related to this case.

14 Q Okay. And when did you -- sorry. What is
15 Mr. Haug's title?

16 A I believe Mr. Haug's title is senior vice
17 president, margin planning and analysis.

18 Q All right. What about Mrs. Kennedy? Have you
19 spoken with her?

20 A I speak with Ms. Kennedy frequently.

21 Q What is her title?

22 A My understanding, her title is vice president,
23 shrink improvement.

24 Q Okay. What does shrink improvement mean?

25 A Shrink improvement is with regard to product

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1 loss in stores through theft or financial shrink, an
2 inventory term, retail term.

3 Q Okay. All right. And then Mrs. Murrow, did
4 you speak with her about this lawsuit?

5 A No.

6 Q And do you know Mrs. Murrow?

7 A I believe I know of Mrs. Murrow. I actually
8 don't -- or Ms. Murrow. I don't know if she works here
9 or not currently. I believe she worked in customer
10 service the last -- that's kind of my memory of her
11 role.

12 Q I didn't ask you. Mrs. Kennedy. Do you know
13 are there any of these answers that she helped provide
14 the responses to?

15 A I don't know that.

16 Q Next person is Mrs. Rakausky?

17 A I don't know Mrs. Rakausky.

18 Q You don't know what division she may be
19 working with?

20 A I don't. I've actually never heard that name.

21 Q Rebecca O'Brien?

22 A I know of Rebecca O'Brien.

23 Q Do you know what position she has with Dollar
24 General?

25 A I don't know her position. I believe she

1 works in our store operations team.

2 Q Okay. Do you know which responses to
3 discovery she may have provided?

4 A I don't.

5 Q Mrs. Savaloja?

6 MR. TAYLOR: Savaloja.

7 MR. HARRIS: Savaloja. I apologize.

8 THE WITNESS: I struggle with that one too. I
9 know Mia well.

10 BY MR. HARRIS:

11 Q Okay. And what's her position?

12 A Mia's a senior director in on our store
13 operations team.

14 Q Okay. And did you speak with her about your
15 deposition today?

16 A Not at all.

17 Q Next one is you. Mrs. Eden is the IT
18 department director; is that correct?

19 A She's a director or senior director in the IT
20 department, yes.

21 Q And then Phillip Trentle?

22 A Yes. I know Phillip.

23 Q Do you know what his position is?

24 A I believe he's a senior manager in pricing
25 execution.

1 Q Okay. And do you work with Mr. Trentle
2 regularly?

3 A I don't regularly work with Mr. Trentle
4 anymore.

5 Q Okay. Did you -- have you discussed with him
6 about this lawsuit?

7 A No.

8 Q What about the responses to any of these
9 discovery requests?

10 A I don't know which ones he provided
11 information on. I believe the responses were created by
12 counsel in combination with a number of people adding
13 input.

14 Q Let me move to Interrogatory 3, which is
15 "Please identify, by store, all persons responsible for
16 pricing products sold at Defendant's stores during the
17 class period, include the name of their employer and
18 provide contact information."

19 And I'll scroll down to the response, which is
20 the subject response after this objection is "Dollar
21 General responds that no one person sets the prices for
22 products sold at Dollar General stores in New York. Nor
23 are prices determined on a per-store basis, though
24 stores are grouped into pricing zones. Decisions on
25 prices are made through Dollar General's merchandising

1 team, merchandise planning and analytics team, and
2 decision science and analytics team. The person most
3 knowledgeable at Dollar General on this process is Nick
4 Snow, and additional persons knowledgeable about pricing
5 products include Brian Haug, Will Brown, Kelly
6 Woods-Ramsey, Philip Trentle, and R.J. Maddox."

7 Do you see that?

8 A I see that.

9 Q I think this ties back into Topic 4 that
10 you're going to testify, that you're prepared to testify
11 to, and it's basically a description of how the pricing
12 for products sold at Dollar General is established.

13 Can you walk me through how a given product is
14 assigned a price for a time period and if it needs to be
15 adjusted, how that occurs? And feel free to use any --
16 I can give you an example. Like razor blades or milk or
17 whatever or bottle of Coke, but feel free to use
18 whatever example works for you.

19 A Yeah. Certainly. I mean, the price of a
20 given item in a Dollar General store, obviously it
21 varies by product, and how its price is set varies by
22 product. And as to the response, there is no one
23 person, and that's accurate. Prices are determined for
24 a multitude of ways, and it depends on the products
25 themselves.

1 Ultimately, a decision is made on a price, and
2 it's uploaded through our systems, the GOLD system we
3 talked about earlier, and makes its way to our stores
4 the next day. That's with regard to I'll call base
5 price or the day in and day out everyday price of an
6 item.

7 Q And you mentioned you use the GOLD -- and I
8 didn't ask this earlier. Are there other systems that
9 you all use for providing the prices to the stores?

10 MR. TAYLOR: Objection. Form.

11 You can answer.

12 THE WITNESS: The GOLD system is the, I'll
13 say, official. It is the official system that keeps the
14 records of the everyday price for an item. Pricing
15 information communication can be done a number of
16 different ways, which I believe Mia would testify to in
17 regard to the store processes.

18 What I can testify to is with regard to what's
19 entered into the source systems or the systems of record
20 that then set the price and are transmitted down to
21 stores.

22 BY MR. HARRIS:

23 Q Okay. So what -- and follow up on that. What
24 kind of information do you have to provide into the
25 systems that then gets transmitted down?

1 A Yeah. So, again, with regard to products can
2 take on different forms, but generally the product
3 identifier number or SKU is required to change the
4 price. The price that's desired is input and then the
5 effective date of that price or price change are kind of
6 generally the three key elements in order to make an
7 everyday or permanent price change.

8 Q Okay. And how -- let me ask it this way. I
9 know there's probably no set rule of any kind, but how
10 often do you evaluate your prices to see if they need to
11 be updated in some way?

12 MR. TAYLOR: Objection. Form.

13 You can answer.

14 THE WITNESS: Again, a multitude of ways and
15 times. And different people looking at prices for
16 different reasons. I would say pricing is a value in
17 some shape or form. Generally, I mean, daily would not
18 be unusual to be at least monitoring price in a
19 competitive environment.

20 BY MR. HARRIS:

21 Q Well, how often -- like, in the State of New
22 York, for instance, how often do you or do you look at
23 what the price of milk should be in the city versus in
24 Albany or another part of the state?

25 Do y'all evaluate that?

1 A Yes. We're constantly evaluating our price.
2 The underlying price of products, the competitive
3 marketplace, and our strategy around various items or
4 categories.

5 Q And this is all -- as you mentioned, you
6 mentioned a minute ago, again, the GOLD system that we
7 discussed earlier and I forgot to ask: How long have
8 you all -- has Dollar General been using the GOLD
9 system?

10 A Dollar General's been using the GOLD system
11 for at least -- at least the last eight years, in my
12 knowledge. It may be a few years beyond that.

13 Q Okay. Do you recall what you used before
14 that?

15 A Yes, I do. There is a system called IP that
16 was the inventory management system, the ERP, prior to
17 GOLD.

18 Q Okay. Let me ask it this way, and this kind
19 of goes back to Topic 3 which is about the records and
20 data. What other types of systems would you all use to
21 analyze pricing of products?

22 A Yeah. Again, there's a multitude of different
23 things we would use to analyze products, and it depends
24 on the use case. Obviously, we use Microsoft Excel as a
25 spreadsheet. Gets used in most analysis we do.

1 We have a system or an application titled
2 Revionics, which helps us model price or price change
3 impacts.

4 We use a number of data sources for
5 competitive information of prices in markets.

6 Q Can you give me -- what other data sources --
7 what other data sources do you use to kind of analyze
8 the price in markets?

9 A Yeah. We use a number. One example is
10 syndicated market data provided through NielsenIQ.

11 Q Just kind of help analyze what the price of a
12 given product may be in a given market at any time?

13 A Yeah. It helps us understand which products
14 are selling in which places and then what the various
15 price levels being set or being sold in a market through
16 others besides us.

17 Q Okay. Now, let me -- while I'm on this
18 question, what is Will Brown's role in setting prices?

19 A It's my understanding Will Brown's no longer
20 involved in a role of setting prices. Will Brown is in
21 our merchandising planning team. He may work with
22 merchants in discussing price or price changes. I
23 believe he was referenced in this response for his
24 previous role, which was in pricing execution.

25 Q You mentioned the merchandise planning team.

1 What is -- what are some of their responsibilities?

2 A Merchandise planning has a number of
3 responsibilities, one of which is understanding
4 financial planning for the organization in terms of
5 expected unit movements, sales associated with those at
6 a category level and other aspects of their role with
7 regard to seasonal products, how much did we purchase,
8 how much do we intend to sell, how much do we intend to
9 mark down and ultimately exit from a category, as
10 examples.

11 Q Okay. That's interesting. So, like, if you
12 stock up on sunscreen in the summer, you might sell it
13 towards the winter months or reduce it down in prices in
14 the winter months if it's still on the shelf?

15 A Yeah. That's an example of a non- -- non-core
16 product purchase. You would supplement a summer
17 season -- purchase the product with the intention that
18 it would not be selling in the store at a given time in
19 the future.

20 Q And then can you -- I meant to ask this
21 earlier. What does the decision science and analytics
22 team look at and evaluate?

23 A So decision science and analytic team is an
24 analytical arm across store operations merchandising,
25 marketing, and then it's the data science for our media

1 network and our customer personalization efforts.

2 Q When you say "customer personalization
3 efforts," what do you mean by that?

4 A We personalize offers. Means a lot of things.
5 Some examples would be offering customers specific
6 discounts based on their propensity or past purchase
7 history of certain times of categories.

8 Q Okay. And how do you -- like, do you see
9 customer 1 walking -- you know, he's been to your store
10 before. Can you give me an example of how you would
11 customize an offer to him?

12 A Sure. That would be an example. Customer 1
13 has a propensity to purchase sunscreen every summer, and
14 we haven't seen them purchase it yet. We might give
15 them a discount in order to see if we could get them to
16 purchase the sunscreen.

17 Q How would you target to him to knowing that?

18 MR. TAYLOR: Objection. Form.

19 You can answer.

20 THE WITNESS: There's a number of ways to
21 communicate with a customer in that fashion. An example
22 would be sending an email to someone who has subscribed
23 and allows us to communicate with them via email.

24 BY MR. HARRIS:

25 Q And let me ask: How do you get your

1 customers' emails, then?

2 A We primarily get our customer email
3 information through our myDG program where a customer
4 provides us that information as part of the unique
5 login.

6 Q Okay. Is that -- can you explain what the
7 myDG program is?

8 A Yes. The myDG program is a uniquely
9 identified access to Dollar General website, app,
10 pseudo-rewards, essentially provided them access to
11 digital coupons, and some functionality that they log in
12 for -- that's unique to them via their login.

13 Q And do you know what percentage of your
14 customer base in New York during the relevant time
15 period had a myDG account?

16 A No, I don't.

17 Q Do you know how -- how many people in New York
18 have a myDG account currently?

19 A I believe I know approximately how many do.

20 Q What's the approximate number?

21 A I think it's around 400,000 to 500,000
22 identified customers in the State of New York.

23 Q Okay. And do you know when, I guess -- let me
24 ask you this: When did Dollar General set up the myDG
25 program, myDG program?

1 A MyDG program is a recent branding in the last
2 couple of years, I believe. Our digital coupons
3 program, which was the predecessor of that, has been
4 around since at least -- it's been here since I've been
5 here in 2012, so it's over a decade old.

6 Q Okay. And so for that -- so let me ask:
7 There's several things I want to follow up on that.

8 Do you think the myDG program was started
9 prior to 2020 or after 2020?

10 A I don't know with certainty when we rebranded
11 it. Either the myDG or its predecessor certainly was
12 started prior to 2020.

13 Q Okay. But then -- and for that, same way,
14 they could get discounts if they provided Dollar General
15 their email address?

16 A Yes. Email address and/or telephone number.
17 I don't believe we require or we hadn't always required
18 an email address. I believe our current configuration
19 is to ask for an email address.

20 Q Okay. And then let me -- several other things
21 that I wanted to go back on. You were mentioning one
22 way was to target customer 1, and the example we were
23 using with an ad for sunscreen or something if you knew
24 he bought it before.

25 Are there other -- via email. Are there other

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1 ways that you could try to target that customer 1 if you
2 knew that he bought sunscreen before?

3 MR. TAYLOR: Objection. Form.

4 You can answer.

5 THE WITNESS: Yes.

6 BY MR. HARRIS:

7 Q Okay. Can you elaborate?

8 A An example, I believe we have the ability to
9 text customers if they provided us their telephone
10 number and they've opted for that as a capability.

11 Q And do you know when you started using the
12 text function?

13 A I don't know exactly when we started using the
14 text function. I believe it's been around for several
15 years.

16 Q Okay. Following on the -- do you know when
17 the -- you mentioned the myDG program, but is the Dollar
18 General app different from the myDG program? Are they
19 somewhat related?

20 A Yeah. The myDG app is exactly that, an app on
21 an android or an Apple iPhone. You can access that app
22 without being a member of the myDG rewards program, and
23 there's functionality that's available, including
24 browsing items, our cart calculator, store locator, as
25 an example. Hours, I believe, are provided there by

1 store.

2 You have access to additional functionality
3 through that myDG app if you log in with your
4 credentials to include those digital coupons or savings
5 mechanisms I previously mentioned.

6 Q Okay. And one of the things I was curious
7 about. Do you know when you first got the myDG app or
8 when -- sorry, when the app was introduced to the
9 marketplace?

10 A I don't know specifically when it was
11 introduced to the marketplace. I believe it's been
12 around for at least over five years.

13 Q Okay. And then do you know how many -- how
14 many people in New York have downloaded the Dollar
15 General app?

16 A I do not know how many people have downloaded
17 the app. I don't believe we can tell that via the
18 information we receive back.

19 Q Okay. And what -- you mean -- when you say
20 the information you receive back, are you referring to
21 information you receive from like the Apple store or the
22 android store, or are you referring to something else?

23 A Yeah. Sorry. That's what I mean. We have a
24 count of downloads. We don't know where a customer or a
25 potential -- a downloader is located.

1 Q Okay. So you can -- you can know if
2 nationwide or how many people have downloaded but not
3 where they're located?

4 A That's my understanding.

5 Q Is there another -- let me -- going back to
6 this, what you mentioned before about the myDG program
7 and having people enroll and provide you with their
8 email addresses. Are there any ways -- do people enroll
9 at stores as well or do they have to go online and do it
10 themselves?

11 A I believe our only mechanism for enrolling is
12 you could do so in store on your phone. I don't believe
13 we have a mechanism in the store outside of a customer's
14 personal device to register.

15 Q Okay. And I assume -- let me ask it this way:
16 When someone goes to a store and uses a debit card or
17 credit card, does Dollar General keep any of that data
18 about who their customer base is with the name?

19 A Dollar General does not retain the full --
20 full account ID for debit cards or credit cards.
21 Actually, debit, credit, or any of the electronic
22 payment methods, for security reasons. So we retain
23 subsections of those numbers.

24 Q Okay. You retain part of the numbers, but do
25 you retain any of the names?

1 A I don't believe we retain the names in our
2 databases for the same security reasons.

3 Q All right. But so -- and let me ask it this
4 way just in terms of one of the topics we had was
5 Topic 19, which is "The process for identifying Dollar
6 General customers who may have been overcharged during
7 the Relevant Time Period."

8 Is the only way to know who some of your
9 customer bases are either is through the myDollarGeneral
10 data that you have, or is there any other way that you
11 all keep -- that you're able to identify who your
12 customers are?

13 MR. TAYLOR: Objection to form.

14 You can answer.

15 THE WITNESS: Yeah. I think the primary way
16 is when a customer provides us their login information
17 via the myDG app sign-up or the predecessor when they
18 provided it to us in the past.

19 BY MR. HARRIS:

20 Q Let me ask: Is there a process when you --
21 when a customer goes into a store to log in and, like,
22 if I'm to swipe my Dollar General app or something to
23 show that I'm getting rewards of some kind and buying
24 sunscreen on a given day?

25 A Yeah. Sorry. A customer has the ability to

1 identify -- we call it "self-identify" -- identify
2 themselves via -- typically it's their cell phone number
3 at the pin pad or the credit card terminal. I believe
4 we also have the functionality -- I believe that's the
5 primary method.

6 I believe they online also have the
7 functionality, if they have their app on, to scan it in
8 some way to also -- do essentially the same thing,
9 identify themselves and their account to be associated
10 with that transaction.

11 Q And do you have -- do you have any data
12 showing what percentage of your clients will provide
13 that data at checkout of some kind in New York?

14 MR. TAYLOR: Objection. Form.

15 You can answer.

16 THE WITNESS: We don't have a way to know the
17 percentage because most of our transactions are not
18 identified. We do have the ability to know how many did
19 identify.

20 BY MR. HARRIS:

21 Q Okay. Okay. Like, you can't -- you haven't
22 done the analysis of if one store had 1,000, you know,
23 or sold 1,000 different transactions during a day, what
24 percentage of those may have people key in their
25 information for myDollarGeneral versus -- versus not?

1 A Yeah. So that's right. I -- we have the
2 ability to know the number of transactions that got
3 associated with a self-identify in this case, and we
4 know the number of transactions that didn't. Well, what
5 I have no way to know was every other transaction a
6 unique customer for the ones that I -- that weren't
7 self-identified, did a single customer make three
8 transactions, but I do know how many transactions were
9 associated with a self-identification to the myDG app
10 program, myDG rewards.

11 Q Sitting here today, you don't know the
12 percentage of what the people who were in the myDG
13 program identify or have identified in the past three or
14 four years in New York?

15 A I do.

16 Q What's that percentage, then?

17 A I think our latest analysis was somewhere in
18 that five-ish percent range of transactions in New York
19 were identified with a customer record.

20 Q And have you looked to see if that percentage
21 has gone up in a certain period of time or over the past
22 three or four years?

23 A It has gone up definitively both in New York
24 and across the country as we made more efforts to make
25 that program more rewarding for our customers.

1 Q Okay. That makes sense.

2 And just while we're kind of on this topic,
3 what -- what software do you have or what software do
4 you all use to keep this data so who is self-identifying
5 at the checkout register?

6 A A number of different pieces of software and
7 hardware get used in that process starting with the
8 register and then ultimately is transferred back to the
9 Dollar General and to our Store Support Center in
10 Goodlettsville.

11 Our primary mechanism for the data that
12 underpins what I described to use, the percentage of
13 transactions, sits in our customer data warehouse which
14 is in a Snowflake environment and then it has your
15 cloud.

16 Q Hold on. Let me -- I didn't quite -- you cut
17 off for just a second there. I apologize.

18 You said that -- the very end of it, you
19 mentioned that it's in the customer -- I'm sorry. Can
20 you repeat what you said at the very end?

21 A Certainly. Customer data warehouse is what we
22 informally call it, and it's -- it is in a Snowflake --
23 it's a set of tables in a Snowflake environment on an
24 Azure -- Microsoft Azure cloud infrastructure.

25 Q Okay. And so that's -- the Snowflake

1 environment, I'm familiar with the company Snowflake.

2 Is that what you're referring to?

3 A That's correct. The IT company Snowflake,
4 database company Snowflake.

5 Q And then where is that warehouse? You said
6 that was in Goodlettsville, Tennessee?

7 A The warehouse is actually a Microsoft Azure
8 warehouse that Snowflake sits on top of, and I believe
9 that is in an East Coast node of Microsoft data cloud.

10 Q In terms of if you want to -- if Dollar
11 General wants to access this data, what programs do they
12 use to download and keep track of everyone who is
13 self-identified at a checkout counter?

14 A You can access the Snowflake environment in a
15 number of ways. One method is through the Snowflake
16 terminal, which is a web-based interface to those
17 tables.

18 Q Okay. Then let me ask in this way, though.
19 If you know customer 1 has not -- and he's
20 self-identified a year or so ago and he has not bought
21 sunscreen or something in quite a while, what -- what
22 databases do you all use to send out the coupons like we
23 discussed earlier?

24 A Sorry. We would first identify the customer
25 in your scenario in our Snowflake environment, and we

1 can then pass that information to our Adobe -- it is our
2 CDP, customer data platform, which allows us the
3 transmission vehicles then to send that out through to
4 our app or the -- through a text message, as I
5 articulated.

6 Q Or an email as well still?

7 A Sorry. Or an email. Same -- same path.

8 Q All right. So there was something different
9 for emails. So was there -- I remember you were
10 describing what the GOLD system does in helping fill
11 orders at times.

12 Is there something -- does the Snowflake
13 system that you were describing do something similar
14 with regard to customers and say, "This guy needs to buy
15 more sunscreen"?

16 A No. No, it doesn't.

17 Q How do you -- how do you go back and say that
18 customer 1 hasn't purchased goods in six months; we'll
19 shoot out -- or a period of time -- we'll shoot out an
20 email to him?

21 A So usually it's a bespoke ask, so it's -- it
22 could happen a lot of different ways, but typically it's
23 we have marketing plans or we think there's a need to go
24 source or incentivize customers with a certain marketing
25 effort.

1 So we'll go to the Snowflake environment,
2 create via query those customers that we think fall
3 within the parameters set that we're attempting to
4 target, and then we'll pass it over for that
5 communications.

6 Q That makes sense. So is that something that
7 the decision science and analytics team would be
8 involved in?

9 A Yes. The decision science and analytics team
10 generally would be involved in that. The marketing team
11 can -- can do elements of what we just described in the
12 CDP natively for more routine-type communications. The
13 more bespoke, your sunscreen as an example, would happen
14 first in the Snowflake environment, and then it would be
15 extracted and passed over.

16 Q While we're on this topic. I think I've
17 gotten the answer. I want to make sure I understand it.
18 If someone comes into your store and buys a sunscreen
19 with cash randomly, do you keep -- do you keep any data
20 for that person or on that person or can you?

21 MR. TAYLOR: Objection. Form.

22 You can answer.

23 THE WITNESS: We have no information on a cash
24 customer with regard to customer. We do know that we
25 add a date, a store number, a transaction ID, a time,

1 and the product that was sold as well as the other
2 information around that transaction. Those are other
3 items in the basket.

4 BY MR. HARRIS:

5 Q Oh, okay.

6 MR. TAYLOR: Hey, can we stop for just a
7 second? I think I got kicked out.

8 THE VIDEOGRAPHER: Do you want to go off the
9 record?

10 MR. TAYLOR: Wait. Maybe I'm back. Can y'all
11 see me?

12 THE VIDEOGRAPHER: Yes.

13 MR. TAYLOR: Okay. Go ahead. Sorry.

14 MR. HARRIS: That's all right.

15 BY MR. HARRIS:

16 Q I'm sorry. You were, I think -- I was
17 following along that if a customer 2 shows up and buys
18 several items in cash, you keep track of the data about
19 what they may have bought but not what -- not who they
20 are?

21 A That's correct.

22 Q How do you all -- and is there -- with that
23 data, how does that -- what do y'all use that for?

24 MR. TAYLOR: Objection. Form.

25 You can answer.

1 THE WITNESS: We use sales data for lots of
2 different things. One of which is inventory
3 replenishment to our earlier conversation on the GOLD
4 system, but we also need to track what's selling, where
5 it's selling, how frequently, you know, it's in baskets,
6 et cetera, so it's what we do as a retailer is
7 understanding what we sell and what we don't sell.

8 BY MR. HARRIS:

9 Q Also, but if someone buys sunscreen and a
10 bathing suit or something, you would know they're
11 going -- they might be going to the beach or some place;
12 is that right as well?

13 A You can do light affinity analysis, is what we
14 would call that, on those transactions, so how many
15 times did a sunscreen item end up in the same
16 transaction regardless of how it was paid for with a
17 bathing suit.

18 Q That makes sense.

19 A It's heavy data processing, and so it's -- I'd
20 say it's done infrequently.

21 Q Let me keep going back to -- I think I got
22 derailed. I don't think I asked you about Kelly
23 Woods-Ramsey?

24 A Yes.

25 Q What is -- is she still employed by Dollar

1 General?

2 A She is.

3 Q Okay. And what is her position?

4 A She's a director in merchandising decision
5 support.

6 Q And have you spoke -- do you recall which --
7 what -- strike that.

8 Have you spoken to her about this lawsuit at
9 all?

10 A I have not.

11 Q And then R.J. Maddox.

12 A R.J. is a manager in our pricing execution
13 team.

14 Q Okay. And have you spoken to him about this
15 lawsuit at all?

16 A I have not.

17 Q Okay. And what would be his position or what
18 would he be -- strike that.

19 This response says "Additional persons
20 knowledgeable about pricing products." Do you know what
21 Mr. Maddox may also be knowledgeable about?

22 A No. I wouldn't know what he's knowledgeable
23 about.

24 Q Or what's -- does he have a specific role of
25 any kind regarding price?

1 A He -- he's on the pricing execution team and
2 has access to the GOLD system for price changes.

3 Q Okay. And then let me go down to 10. I think
4 we may have covered some of this already now.

5 Okay. Interrogatory Number 10 says "Please
6 describe the method used to determine the prices
7 displayed on the shelf labels for each product."

8 Do you see that?

9 A I see that.

10 Q And then in this response, "Dollar General
11 responds that pricing decisions for every item in the
12 store are made based on the role of the item's class,
13 the market pricing for the item being reviewed, and the
14 demonstrated price sensitivity of the item.

15 "The company maintains pricings zones based on
16 the competitive environments of each store, and it is
17 possible for stores to have different pricing for
18 similar products.

19 "Item-level pricing decisions are made jointly
20 between the merchandising and pricing departments.
21 Moreover, in deciding whether to adjust a price, Dollar
22 General considers changes in the cost of the item to the
23 Dollar General, customer demand for the item, how a
24 price adjustment on the item will affect customer
25 traffic in stores, the effect of the price adjustment on

1 margin, seasonality; whether to clear the item as part
2 of the item -- or clear the item as part of the item's
3 discontinuation lifestyle -- life cycle, and operational
4 complexity."

5 Do you see that?

6 A I do.

7 Q I think you've gone over a lot of these
8 already. Let me -- I don't think I've explored Item 3,
9 how a price adjustment of an item will affect customer
10 traffic in stores.

11 Can you elaborate on that?

12 A Certainly. Different products play more
13 central roles to the overall -- or we believe certain
14 products play more central roles to the overall price
15 impression of a store and/or some products themselves
16 have the propensity to drive customer engagement in ways
17 differently than other products.

18 And so as an example, 12 packs of Coke both at
19 Dollar General and in the marketplace, are known to be
20 traffic drivers. They will drive customers to a store
21 with a good price or really good price relative to
22 competition. And so that would be an example of an item
23 where a particularly good price could have a more
24 meaningful effect on the customer traffic to a store.

25 Q Interesting. Okay. And then the next part,

1 "the effects of a pricing adjustment on margin," I'm not
2 sure what margin -- are you saying the marginal cost
3 of -- or can you explain that?

4 A Yeah. Margin is the difference between the
5 retail that we sell a price -- I'm sorry -- sell an item
6 at and the cost or the cost of that item to us.

7 Q So you're saying that if you might -- you
8 might keep it very close to the actual cost, your cost,
9 as well just simply because it would help drive traffic
10 to the store possibly as well?

11 A That is a reason why you would keep the retail
12 closer with a lower margin, therefore closer to the cost
13 of the actual item itself.

14 Q I see. Or if it's -- these are all factors to
15 consider.

16 Then what do you -- in Section 6, you're
17 saying that whether to clear the item as part of the
18 item's discontinuing -- discontinuation life cycle.
19 What does that mean? Can you give me an example of
20 that?

21 A Yeah. As an example, the sunscreen we talked
22 about earlier, we don't want it to clog up the stores or
23 clog up a store in terms of just sitting there for the
24 winter. We may decide as part of the process bring it
25 in, sell as best we can sell it during the peak seasonal

1 period, and then have a markdown cadence to clear the
2 inventory by a targeted date.

3 Q Okay. And then what is operational
4 complexity?

5 A As it's defined here, it could be lots of
6 different things. Operational complexity could include
7 things like do we need to do something special with
8 signage. We, as an example, have seasonal clearance
9 events and the signage might be as simple as printing
10 off 8 and a half by 11s at 50 percent off.

11 If there's a lot of those or operationally
12 complex or if we have multiple different sale prices, it
13 could make it more complex. A multitude of things could
14 make pricing more operationally complex or not.

15 Q Let me go to -- well, I think 12 talks about
16 audits, inspections, or investigations. And I'm not
17 sure if that's something that Mia will testify tomorrow;
18 is that correct?

19 MR. TAYLOR: I can answer that. Yeah. I
20 believe we designated her for the audit one, Scott.

21 MR. HARRIS: Okay. I'll just skip over this,
22 then.

23 BY MR. HARRIS:

24 Q And I think 13 is "Please identify any
25 point-of-sale system software or other technology used

1 to set or update prices for products sold at the
2 relevant stores during the class period."

3 And I think Dollar General responds that "the
4 following software and technology are used to set or
5 update prices for products sold at New York Dollar
6 General stores: START messaging system, the Store
7 Support Center's electronic database for prices, various
8 software systems supporting Dollar General's point of
9 sale, printers for printing shelf price labels,
10 computers, the store's handheld devices (for Price &
11 Move and core discontinued clearance items), and
12 Microsoft Excel."

13 Did you see that?

14 A I see that.

15 Q I think we've gone through some of these
16 already, but let me -- I don't think you've testified
17 about the START messaging system.

18 Can you explain what that is?

19 MR. TAYLOR: Scott, so I believe there is
20 actually a topic, unless I'm mistaken, about START, and
21 that's one of the topics for Mia.

22 MR. HARRIS: Oh.

23 MR. TAYLOR: So, you know, however you want to
24 handle it is fine. I think, you know -- I guess I would
25 object just for this witness being as beyond the scope,

1 but he can testify in his personal capacity if he would
2 like.

3 MR. HARRIS: I see that now. Topic 30.

4 Thanks for pointing that out.

5 BY MR. HARRIS:

6 Q Can you testify about your personal knowledge
7 of that START system?

8 A To my personal knowledge, START is our
9 messaging system for interfacing with our stores via
10 their back office PC.

11 Q Okay. All right. Is that something that I
12 think you were discussing earlier about once the price
13 is set for a product and then is it sent from wherever
14 the headquarters was that made that decision to the
15 individual stores through START in some way?

16 A The -- what I testified to before was a price
17 change made at the Store Support Center flows down to
18 the point of sale and to the back office PC for tag
19 printing.

20 Q Right.

21 A That is not connected to, to my understanding,
22 to the START messaging system itself, so those two
23 things happen independently.

24 Q Okay. Got it. So the stores -- sorry. Can
25 you elaborate on the Store Support Centers? What are

1 you referring to there? Seems like it's all -- the
2 Store Support Centers has capital first letters of those
3 words. Is that something --

4 A Yeah. Sorry. We define our corporate
5 headquarters that I'm sitting in today as the store
6 support center. With regard to the electronic databases
7 for price, there's several included in our data
8 warehouse, but I believe what this is most specifically
9 referring to, what I would talk about in my last
10 statement, would be with regard to the GOLD system.

11 Q So I'm sorry. And so how does the Store
12 Support Center's electronic database for prices and the
13 GOLD system interact? Can you -- I'm not quite --

14 A I'm sorry. I think as I read this, the Store
15 Support Center's electronic database for price is a
16 euphemism for the GOLD system.

17 Q Okay. That helps make sense now. Thank you.

18 And then it says "various software systems
19 supporting Dollar General's point of sale."

20 What other systems that we haven't discussed
21 are there?

22 A There's a series of IT processes that occur
23 when a price change or changes are logged into the GOLD
24 system. There's a series of batches that occur, and
25 various file systems take feeds of those to include --

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1 including the point of sale.

2 One creates a file for our Legacy point of
3 sale. One goes to a system called DGC and creates the
4 same set of files for our NextGen point of sale, and
5 then those flow down to the store.

6 So with regard to other electronic databases,
7 just talking about the nuance of what happens when a
8 price change gets loaded into GOLD and the various batch
9 processes that occur upstream before those are sent to
10 stores.

11 Q Okay. And then I'm trying to think of -- let
12 me just kind of move to the next part. Printers for
13 printing shelf price labels, do you have like a set type
14 of printers that you use that are for all the stores
15 that are all uniform?

16 A I don't believe we have a uniform printer
17 across all of our 20,000 stores. I believe they're
18 similar and that they're printers and they can
19 accomplish that task.

20 Q Yeah. Just as they're -- maybe have one
21 that's just -- that's older, a store that's older may
22 have an older printer that you recycle those or upgrade
23 as one gets -- needs to be replaced?

24 A Yeah.

25 MR. TAYLOR: Objection. Form.

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1 You can answer.

2 THE WITNESS: Assume that. Or even a new one.

3 May need a different part or may need an ink cartridge
4 or something, but, yes, we don't have uniformity across
5 20,000 stores.

6 BY MR. HARRIS:

7 Q Okay. And then what do you mean by the stores
8 handheld devices for pricing? What -- it's capitalized
9 "Price & Move." I'm not sure what that means.

10 A Store's handheld device refers to -- we call
11 it an HHT, handheld terminal. It is a small, handheld
12 computer. Looks similar to a phone. And it has various
13 internally developed apps for our store associates to do
14 a number of things to include inventory adjustments.
15 They can see sales records of movement.

16 Price & Move, I would refer you to Mia for
17 tomorrow's testimony. As I read this with regard to my
18 knowledge, it is when an item is going on its life cycle
19 as an exit from a core planogram. A store can use an
20 HHT to determine the markdown price, and then they
21 hard-price it with a sticker gun and move it to a
22 clearance section.

23 Q Okay. What -- you said "core planogram"? Is
24 that what you said?

25 A That's what I said.

1 Q Okay. Can you just tell me what that --
2 define that for me?

3 A A core planogram, in our vernacular, is a
4 category of product. Planogram refers to a capture of
5 how those products -- what those products are and how
6 they are to be organized in a given linear footage.

7 Q Okay. Going to keep going. Okay. 14 is
8 "Please describe all measures used to ensure that the
9 shelf price labels displayed match the prices changed at
10 checkout for products sold at the Defendant's stores
11 during the class period."

12 And I'll scroll down to -- there's several
13 parts to this response, so I'll go through each
14 paragraph.

15 It says "Dollar General responds that it
16 confirms the price listed on the store shelf matches the
17 price of that product when scanned at register in its
18 New York stores in a variety of ways.

19 "First, it does so by directing district
20 managers to audit store completion of pricing activities
21 at a regular cadence throughout the year. District
22 managers are required to visit each of the stores they
23 manage at least one time every 45 days. During these
24 visits, district managers complete a quality store
25 visit, or QSV.

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1 "The QSV form directs districts managers to
2 audit shelf label pricing on 50 items across ten
3 different areas of each store, including at least five
4 of which are part of an ad or temporary price reduction.

5 "If more than one shelf label is incorrect,
6 the store has failed the price label audit, and the
7 district manager is expected to work with his or her
8 assigned human resources partner to determine the
9 appropriate consequences for any such pricing audit
10 failure."

11 Do you see that?

12 A I see that.

13 Q It's my understanding that there are -- I
14 think in one of these responses, it mentions that there
15 are approximately 28 district managers in New York.

16 Is that still approximately correct?

17 A That sounds -- yes, based on my knowledge,
18 that's approximately correct.

19 Q And do you know approximately how many stores
20 each district manager oversees in New York?

21 A It varies from time to time and would have
22 varied during the period in question here.

23 Q I think I saw somewhere that Dollar General
24 had between 500 to 550 stores in New York.

25 Is that correct?

1 A Yes. I believe as of today, it was 599 stores
2 that were open.

3 Q Wow. So if there's 28 and that's roughly,
4 what, 25 stores per district manager or so?

5 A Yeah. And there may be more district managers
6 now than there were. But with 599 stores, then there
7 were even when this answer was provided.

8 But in the 20-ish range is the target for a
9 district manager with stores.

10 Q Are they supposed to -- so they're -- strike
11 that.

12 And then how many managers are at each store?
13 Do they have two to three?

14 A Each store, as I understand it, has a single
15 manager, a store manager, one.

16 Q Okay. Just one. Okay. Not -- they're not
17 there -- I mean, are there assistant managers as well?

18 A Yes. Most of our stores have an assistant
19 manager as well.

20 Q And how many -- typically, is there an amount
21 of assistant managers as well for each store, or is it
22 more than one or one?

23 A I believe -- you know, I'd refer the question
24 to Mia for your operations conversation. I believe it's
25 one in most instances.

1 Q Okay. All right. All right. The -- and then
2 when -- do you know -- and I know this is -- I mentioned
3 an audit. Is this something you have familiarity with,
4 or is this something that would go back to Mia?

5 MR. TAYLOR: Let me just jump in. So there
6 are, I guess, several topics related to audits and
7 whatnot that Mia has the sort of responsibility for.
8 So -- and that's what we designated her for.

9 Having said that, so I would make the
10 beyond-the-scope objection. But Mr. Snow can testify in
11 his personal capacity if you'd like him to on what he
12 knows.

13 BY MR. HARRIS:

14 Q Yeah. If you can just go through -- I don't
15 need a ton. What are the -- do you know -- this kind of
16 goes back to the databases and how the three.

17 Where do people submit -- where do district
18 managers submit their reports for the quality store
19 visit?

20 A I don't know that. I would point you to store
21 operations and Mia for that question specifically.

22 Q You don't know if there's a -- if there is
23 a -- any kind of system or database that you all use to
24 keep track of any of these -- any of these audits?

25 MR. TAYLOR: Same objection as before.

1 Go ahead.

2 THE WITNESS: Yeah. I'm unfamiliar with the
3 mechanism to capture this information on the store side.

4 BY MR. HARRIS:

5 Q Okay. And then have you ever personally
6 visited a store when a QSV was occurring and watched it?

7 A I have not personally ever seen a QSV in
8 person at a store.

9 Q Okay. And then the next part is about the
10 store compliance visit. I guess it goes back. Anything
11 else -- same question I asked you a minute ago about the
12 QSV. Is there any kind of database that keeps the --
13 any of the data they provide from the SCV?

14 MR. TAYLOR: Same objection.

15 You can answer.

16 THE WITNESS: I'll point you to Mia on the
17 store operation side. That's the same as the QSV.

18 BY MR. HARRIS:

19 Q Okay.

20 A She'd have knowledge of that.

21 Q On the last part here, it says "Additionally,
22 the SCV requires district managers to review CCTV to
23 confirm that the store printed and installed core price
24 label changes for the three weeks preceding the SCV."

25 Do you know where is that CCTV? Is that

1 housed somewhere or uploaded to the cloud somewhere?

2 A I have no knowledge around the CCTV
3 information. I think Mia from store operations would be
4 the closest to that.

5 Q Let me go back. The next -- it says that
6 "Dollar General's performed a price verification review
7 of all Dollar General stores in New York."

8 Do you know when that occurred?

9 MR. TAYLOR: I'm just going to make the same
10 objection, beyond the scope, that that falls within one
11 of Mia's topics.

12 But Mr. Snow can testify in his personal
13 capacity.

14 THE WITNESS: I would point you to Mia and the
15 store operations for that.

16 BY MR. HARRIS:

17 Q Okay. And the same thing with Dollar
18 General's increased training of its store employees in
19 New York as to the importance and urgency of placing new
20 shelf price labels. "This includes, without limitation,
21 Dollar General ensuring in the first half of 2023 that
22 all New York store employees were reminded of Dollar
23 General's price match policy and the need to update
24 shelf prices as soon as practicable."

25 Is that something that she was handling?

1 MR. TAYLOR: I'll make the same objection.

2 Mr. Snow can testify in his personal capacity.

3 THE WITNESS: I would point you to Mia and
4 store operations for that one.

5 BY MR. HARRIS:

6 Q All right. Fifth is "Dollar General's
7 increased shifts and staffing at times when new shelf
8 price labels are provided to stores to ensure that these
9 new labels are placed as quickly as possible."

10 Is that something Mia would testify to as
11 well?

12 MR. TAYLOR: Yes. Same objection. Mr. Snow
13 can answer in his personal capacity.

14 THE WITNESS: I have personal knowledge that
15 that has occurred, but I would point you to Mia for
16 specifics on the store operations side.

17 BY MR. HARRIS:

18 Q And then same -- next thing it talks about
19 price override force prints. It says "When new
20 labels -- when new price labels are automatically
21 supplied to stores for the items that were recently
22 subject to the largest number of price overrides at that
23 location."

24 Can you explain kind of what price override
25 force prints mean? I'm not sure I fully understand that

1 definition.

2 MR. TAYLOR: So I'll make the same objection.
3 That's Topic 36, I think, which is Mia's. But Mr. Snow
4 can testify in his personal capacity.

5 THE WITNESS: Yeah. I can testify to point
6 you to the process for price override information to
7 Mia. A force print is simply a mechanism at the Store
8 Support Center in which we can load an item store list
9 and it -- outside of a price change so no price change
10 required. It creates that tag print process at a store
11 level in the same way that would be created if a price
12 had changed through the mechanisms we previously
13 discussed.

14 BY MR. HARRIS:

15 Q Okay. Let me go -- okay. Interrogatory
16 Number 15: "Please identify any and all persons who
17 received refunds or credits who were overcharged for
18 products sold at the relevant stores during the class
19 period."

20 And let's see. It says -- here's -- there's
21 various objections, but then it says "Moreover, Dollar
22 General notes that in most instances where money was
23 refunded to a customer due to an overcharge, the
24 identity of those customers is known."

25 And then it says -- Dollar General then goes

1 on to say that it will try to produce documents via
2 33(d), and then the last sentence says, "However, Dollar
3 General states that, to its knowledge, no documents
4 responsive to this request exist at this time."

5 Do you see all that?

6 A I see that.

7 Q Okay. And I think you testified earlier are
8 you aware of anyone receiving a refund of some kind from
9 Dollar General due to a price overcharge in New York
10 State during the class period?

11 A It's my knowledge Dollar General recently
12 provided through discovery what I made reference to
13 earlier in my testimony, information regarding customer
14 service calls and refunds associated with potential
15 price overrides based on those customer complaints.

16 Q Okay. But that's -- that's the one you're
17 aware of that?

18 A That's the only ones I'm aware of at this
19 time.

20 Q All right.

21 Let me -- here. I don't want to spend a ton
22 of time on this one. Let me go to this page. This is
23 something I was asking about a minute ago.

24 This is Interrogatory 20. It's the management
25 structure for the stores along with the identity of each

1 store manager. And here is where it mentions 28
2 district managers have responsibilities in New York.
3 And then above district managers are regional directors
4 who report to corporate.

5 Do you know how many regional managers are in
6 New York?

7 A I believe there are currently three regional
8 directors that represent the 90-plus percent of the --
9 or 90th percent of the stores in New York.

10 Q Okay. And how are they -- they're just
11 divided by region?

12 A Yeah. The Dollar General structure nationally
13 but also in New York is stores to districts, districts
14 to regions, and then regions to divisions.

15 Q Okay. Yeah. So what -- is divisions
16 multistate?

17 A Divisions can be multistate. In fact, I think
18 all of them are. The same could be true of regions.
19 They could be multistate or could be within a single
20 state depending on the store count and the geographic
21 boundaries.

22 Q Do you know with regard to New York, what
23 other states are in its region?

24 A I don't know. I didn't look at the map.
25 Typically, when a region spans two states, it's the

1 state next to it contiguously.

2 Q Here. Do you know is it going east? Is it
3 Connecticut or New Jersey, or is it Philadelphia,
4 Pennsylvania? Excuse me.

5 A Candidly, it would probably be in all
6 directions except for the ocean. The -- but that's --
7 as you think about 20,000 stores organized in this
8 fashion across the country, they're not in neat, clean
9 lines. They're created -- those zones are created
10 around physical barriers, mountains, rivers, and then
11 roads. And so it's a -- it's a mash of stores rolling
12 into districts and regions.

13 Q Okay. We've been going about a little over an
14 hour now. Can we take a five-, ten-minute break?

15 A That would be great.

16 MR. TAYLOR: Yeah. Sure.

17 THE VIDEOGRAPHER: Going off the record. The
18 time is 2:43.

19 (Off the record.)

20 THE VIDEOGRAPHER: Back on the record. The
21 time is 2:53.

22 MR. HARRIS: Sorry. I jumped the gun there.
23 We're back on the record.

24 BY MR. HARRIS:

25 Q I just uploaded a spreadsheet to Exhibit

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1 Share, and I'm going to share my screen again and have
2 you help me go through this.

3 MR. TAYLOR: And this is Exhibit 4, Scott?

4 MR. HARRIS: Yes. Thank you.

5 (Exhibit 4 was marked for identification.)

6 BY MR. HARRIS:

7 Q So I'm marking Exhibit 4, which is the
8 Bates-labeled DG_Wolf_004-0562.

9 Okay. I'll scroll in when I need to, but I'm
10 trying to ask you just some general questions. Do you
11 recognize this document?

12 A I do.

13 Q Okay. And can you kind of give me a brief
14 overview as to what it is?

15 A Yes. So thank you. We'll have to zoom in
16 when you want to get more specific. It's pretty far
17 out. But it's my understanding this is the
18 documentation produced by Dollar General through
19 discovery for items translated from information provided
20 by plaintiff and our associated pricing in effect in
21 that store as best we could translate it to the item
22 descriptions as they appeared provided to us.

23 Q Okay. So let me go through. Let me start
24 over.

25 So the first one I have is "Audit Data." If

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1 you look at the very bottom. Shoot. It just left. The
2 bottom left of my screen, it says "Audit Data to Share
3 with DG PAR."

4 Do you know what that's for, what this data
5 would be?

6 A Can you zoom in on it real quick? I'm sorry.

7 Q You know what? I'm not sure --

8 MR. TAYLOR: And, Scott, I might suggest that,
9 you know, I think the zoom-in feature can be helpful,
10 but if the witness wants to look at it through Exhibit
11 Share and look at it through that means as well, that
12 might help.

13 BY MR. HARRIS:

14 Q That's fine. It says -- I can't zoom in this
15 one part, Mr. Snow.

16 A I'll pull it up on Exhibit Share real quick
17 and I'll look at that tab. Just a moment.

18 Q That's probably easier.

19 A Mr. Harris, I pulled up "Audit" -- sorry.
20 Just a moment.

21 Okay. I have that spreadsheet pulled up.

22 BY MR. HARRIS:

23 Q Okay. Do you see there's four tabs at the
24 bottom?

25 A I see that. Yeah. Sorry. I see that.

1 Q Yeah. What is -- can you explain what "Audit
2 data to share with DG PAR"? And I don't know if that's
3 cut off or not. I can't find a way to open it.

4 A No. It appears to be the full tab name. It
5 probably got too big. I understand that to be the
6 information that was provided by the plaintiffs. So the
7 starting records, if you will, for what we began to
8 research.

9 Q Okay. And then let me zoom in.

10 A I think it might have said "partial."

11 Q Okay. That makes sense. So Column A on this
12 tab, the Column A is product name. Is that the name
13 that's in -- that would be in one of the Dollar General
14 stores?

15 MR. TAYLOR: Objection. Form.

16 You can answer.

17 THE WITNESS: It's my understanding that this
18 information was collected by plaintiff off of New York
19 audit reports through governmental entities and
20 transcribed then into Column A.

21 BY MR. HARRIS:

22 Q Okay. And so then Column A, and the SKU,
23 which may be out there, is in Column B. And then the
24 shelf price is what the shelf label would have -- may
25 have been -- is that -- in Column C?

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1 MR. TAYLOR: Objection. Form.

2 You can answer.

3 THE WITNESS: Yeah. Again, I think it's what
4 was captured and transcribed from those forms. Just
5 looking at that Column B, the SKU, Dollar General SKU
6 numbers with almost no exception are only eight digits,
7 and so I suspect that that's -- those might have been
8 partial UPC numbers or any other information off of
9 those forms, not necessarily an SKU.

10 BY MR. HARRIS:

11 Q Okay. Then what would be the Column C is the
12 shelf price that was supposedly listed in the audit?

13 A Yeah. That's my understanding. It's a
14 transcription of what was -- yeah, a transcription of
15 what was supposed to have been written on that form or
16 those forms.

17 Q And then the actual price is what was rung up
18 at the register?

19 MR. TAYLOR: Objection. Form.

20 You can answer.

21 THE WITNESS: Yeah. Again, a transcription of
22 what the auditor would have written down or the person
23 filling out that form and then transcribed over here.

24 BY MR. HARRIS:

25 Q Okay.

1 A Although, in the one I have, it just has
2 actual price copied over and over again through
3 Column D. I don't know if that's true of the copy you
4 have.

5 Q Maybe -- which lines are you on? Oh. It does
6 that until about line 273.

7 A Okay. Yeah. So I'm in the first -- yes.
8 Yeah. So through 1 through 273 in Column D just keeps
9 saying "actual price" and "actual price" over and over
10 again, and then at 274 it looks like it was transcribed
11 as the price.

12 Q Then Column E should be the difference between
13 the actual -- the shelf price and the actual price is
14 what at least it seems more accurate after line 273.

15 A Yeah. That's how I --

16 MR. TAYLOR: Objection. Form.

17 You can answer.

18 THE WITNESS: I read it to be the difference
19 as, again, transcribed between those documents over to
20 the spreadsheet.

21 BY MR. HARRIS:

22 Q Okay. And then "Data Violation," is that when
23 the audit may have occurred?

24 A Yeah. Again, I believe transcribed from the
25 forms.

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1 Q Okay. And then the Bates stamp of where the
2 data came from is Column G?

3 A I see that.

4 Q Okay. And then Column H is the store?

5 A Column H I see is a purported address for what
6 I believe to be a store.

7 Q Okay. And then I is the store number for the
8 store in New York?

9 A Yeah. Transcribed from those forms. And,
10 again, some of them don't look like they have numbers
11 listed, so probably transcribed as what existed on that
12 form and whether or not they had it or not.

13 Q Okay. And I'll go to the next tab is "Audit
14 Data to Share with DG."

15 Do you see that?

16 A I see that.

17 Q Okay. And what's the difference -- what's --
18 do you know why this data is different from the first
19 tab?

20 A I don't. Again, I believe as we created
21 these, Tab 1 -- sorry, "Audit Data to Share with DG PAR"
22 and "Audit Data to Share with DG" both were provided by
23 plaintiff, and then this was the starting point for the
24 work that became Tab 3. So DG data.

25 Q Okay. Okay. All right. So now explain what

1 DG data is?

2 A Yeah. DG data was our -- Dollar General's
3 attempt to take the information provided by plaintiff
4 and associate it with information in our systems with
5 regard to the information provided in those first two
6 tabs.

7 Q Okay. And then the -- so the dates should
8 correspond in the date on Column A and the "DG data"
9 tab. What is that date referring to?

10 A I believe it to be the date of -- just one
11 moment. I believe it ties to a pre-period prior to the
12 date of "Violation Date" column as exists in Column J.

13 Q Okay. Okay. So that's -- say that again. So
14 it's 30 days --

15 A It appears to be 30 days prior. If I look at
16 Item 2 or line 2, I've got "Violation Date" and Column J
17 of 7/6/22. And then the date here is 7/6 -- 6/7 of '22.

18 Q So the violation date refers to -- is that the
19 day of an audit that was done by a third party?

20 A Again, I believe the data violation refers to
21 the first two tabs we've already previously discussed.
22 They had a column on both, F in both instances, titled
23 "Date of Violation," which I believe, again, ties to the
24 transcribed information, again, provided by plaintiff.

25 Q Okay. And then the original sort order, what

1 is that column?

2 A Yeah. This was the information in the
3 original order because it was a very large spreadsheet
4 of how we captured the information provided by
5 plaintiffs because we had to divvy out the research of
6 these to multiple people, and so we -- we needed to keep
7 a way -- as we handed those off to multiple people, to
8 put them back together in the original order that we
9 received them.

10 Q Oh, okay.

11 A It was just part of our internal process for
12 researching these.

13 Q Okay. And what about in the product name?

14 A The product name was that information that
15 came over -- yeah. It's the information we believed
16 captured from the information provided by plaintiffs.

17 Q Okay. The item number -- is that the -- from
18 the DG data item number or is that something different?

19 A Again, I think that's the item number as
20 either -- what was referred to as SKU on the first two
21 tables.

22 Q Okay.

23 A These columns are replications of the
24 information provided by plaintiffs.

25 Q Okay. And then so the next one would be the

1 Bates stamp that was identified?

2 A That's correct.

3 Q And then the next column, F, is the store
4 address which should match up with what was on the
5 previous two tabs?

6 A That's correct.

7 Q And then Column G identified DG SKUs. This is
8 your number for this product?

9 A This should be the internal reference number
10 through our research of what we thought was closest to
11 the information that was provided for that item by
12 plaintiff.

13 Q Okay. And then what is the SKU description?

14 A SKU description is a internally captured piece
15 of information in our GOLD databases from our product
16 master with regard to that item. It's a field or an
17 attribute we retain for every item that we sell.

18 Q In this one, it says "Return - Arm Hammer
19 Detergent," I guess is what --

20 A Yeah. So this would be the most updated
21 current item description for that SKU, 00122801. It's
22 likely that we discontinued -- so typically we would not
23 have an item description start with "Return." It's
24 likely that this item -- item description was changed
25 through time. We no longer sell it. This is actually

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1 an odd description for something. But it's the item
2 most likely that represented that item at that point in
3 time.

4 Q Okay. And then Column I says "Confidence
5 Level" and several columns say -- or several items say
6 "High" throughout and some say "Medium" and some say
7 "Low."

8 Can you elaborate what this column's for?

9 A Yeah. Again, in very few of the item
10 information provided as transcribed from the -- from the
11 audits, was it clear exactly which item was being
12 referenced by the auditor as it was handwritten in most
13 cases.

14 And so what we asked the teams to do when we
15 passed these out was to do their best to research the
16 item with additional information to come to what we
17 ultimately need to get any information about an item is
18 ultimately its SKU.

19 And so using other attribute information and
20 then what was provided by plaintiff, we asked the team
21 to assess when they made a conclusion in doing our best
22 to try the find the proper item inside of our internal
23 databases to come to some degree relative in their own
24 mind based on how close they got to what they think was
25 attempting to match.

1 So, again, we were unable to do any kind of
2 systematic matching here. We were just trying to do our
3 best to find the like item in our databases that matched
4 what we think to be the one provided by plaintiffs.

5 And so we asked them to, as they made those
6 determinations, say "high, medium, low," or "no match"
7 if they couldn't come up with anything that would get to
8 the confidence that they had in the like item they found
9 in our databases.

10 Q Appreciate it. Okay.

11 And then "Violation Date" we already
12 discussed. That's when an audit found they were not in
13 compliance with the price on the -- on the shelf as the
14 same as the one at the register?

15 A Yeah. In this case, it's coming over from the
16 records provided by plaintiff.

17 Q Okay. "Store number"?

18 A Just that. What we believe to be the store
19 number.

20 Q Okay. And then the "Primary SKU"?

21 A Yeah. So the primary SKU, again, is the key
22 identifier record in our systems for a given item, and
23 it gives us all the attribute pricing information,
24 everything we would look at with regard to a product, we
25 have to have a SKU and/or a primary SKU.

1 Q And the "Shelf Retail" is Column M?

2 A Yeah. The shelf retail in Column M is a
3 lookup using that primary SKU to Column J, violation
4 date, in our systems as to what the base price was in
5 that store for that day via our upstream reporting
6 systems.

7 Q Okay. And then the "POS Retail" is what in
8 Column N?

9 A The POS retail -- let me just double-check
10 real quick. I'm sorry. Let me clarify that. Actually,
11 correct that. Shelf retail, Column M, I believe it is
12 what came over from the plaintiff's records as
13 transcribed. The POS retail in Column N being the same
14 thing, the point-of-sale retail as referenced on
15 plaintiff's records transcribed from the audit
16 violations, and then that difference column in O is what
17 we previously looked at in the first two tabs.

18 Q Okay. All right. And then Column P, which is
19 "Duplicate Entries," what is the one?

20 A It's a reference to us finding in this data
21 set the same store item combination for a date. So did
22 we find another record for that elsewhere in this file.

23 Q Okay. And I guess there's a -- I see a 5. I
24 see a 2.

25 A That's right. So as an example, on 5

1 there's -- basically the same store, date, item
2 description combination showed up multiple times in the
3 file sets.

4 Q Okay. And so that -- if it's a 1, 2, 3, 4, 5,
5 or whatever the number is, that's what that symbolizes?

6 A That's right.

7 Q Okay. The unique identifier?

8 A A mechanism for us, a concatenation of various
9 fields in this so that we could process it without
10 falling over ourselves as we divvied it out and put it
11 back together.

12 Q And then there's something that I see, "Unique
13 Identifier," and then down certain line 32 -- 33, excuse
14 me, I think, says "Effective From, Effective To."

15 What do those mean?

16 A So for any given record where we had a SKU
17 that we could do a store SKU combination of an item,
18 through our pricing records, we went back and pulled the
19 information during the effective date of that price in
20 that store for the start and end date. And then that's
21 how our systems record price.

22 Q What do you mean -- when you say that, you say
23 "start and end date." What do you mean by that? It's
24 the first time you sold the product?

25 A No. It's not the first time it sold. It's

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1 the first time the price became that price systemically.

2 Q Okay. And you're saying in that store or in
3 the -- across the 20,000 stores?

4 A In this case, it's store specific --

5 Q Okay.

6 A -- on that record.

7 Q Okay. And then "Effective To" is when as long
8 as you keep selling that same price?

9 A That's right. That's right. So during that
10 date window of 4/12/22 through 7/10/22, we see that
11 store retail in our records is 2.95.

12 Q Okay. I see one. Here. I'll scroll down to
13 374. This is a Conair Dryer Turbo Styler. Or no.
14 Sorry. Some kind of hair dryer.

15 A Which line are you on? I'm sorry.

16 Q I'm on 374. I'm just trying to -- here.
17 There's one thing I didn't understand. On this column,
18 I don't know if you can see it clearly.

19 A Hang on.

20 Q It has an effective date of -- effective from
21 2/21/23 but then it goes to 12/31/99998?

22 A Yes.

23 Q So what's the reason for the date?

24 A Our systems do not require -- well, they
25 don't. They can't accept an end date, so you have an

1 effective date. And anywhere you see that reference, at
2 the time this was pulled from our systems, essentially
3 that was the in-effect date and it doesn't yet have --
4 it didn't have an end date.

5 Q Okay.

6 A So you're in effect, currently still in effect
7 as of when this was pulled. That would be your
8 identifier, but essentially it's on in perpetuity.

9 Q Okay. Then you can change, obviously, at any
10 time?

11 A And then it would post -- it would date that
12 record as an end date for that day before it changed to
13 the next one.

14 Q Okay. And then the next one, "Store Retail"
15 there.

16 Does that mirror the Column M? I'm sorry.
17 Column N?

18 A No. It could be different. This is actually
19 what we believe systemically for that SKU to be the
20 store retail. The POS retail is listed in Column N is
21 whatever was listed and then transcribed from the
22 auditor, what they believed to be the price that rang at
23 the register on that day.

24 Q Okay. So you think they may -- they messed
25 up -- if they messed up on N, you're checking what it

1 should have been in your system?

2 A Or if we -- they believe the item was X and we
3 believe the item was Y, we would get a different answer
4 as well. But they could match or they could be
5 different for the various reasons that we talked about
6 through the research.

7 Q Okay.

8 A But it is the store retail price for the SKU
9 that we listed.

10 Q Okay. There are some of these. If I scroll
11 down like line 423, and they're missing some data or
12 some numbers there.

13 A Yes. I see it's missing information.

14 Q Any reason why?

15 A I don't know why they would be missing
16 information unless it wasn't returned from our system
17 for that item.

18 Q Okay. And then keep going to "Default
19 Effective Date." So how is "Default Effective Date" and
20 "Default Effective To" in U and V from R and S?

21 A Could be different if a store had a unique
22 price or a zone had a unique price that was different
23 than our default zone which is our chain zone.

24 Q Say -- and maybe I -- define what a default
25 zone versus a chain zone is.

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1 A Yeah. Sorry. I would use them as synonyms.
2 Default zone and chain zone being the preponderance
3 price across the chain. If there was a zone price or a
4 store-specific different price, typically would be a
5 markdown. It could have a different rate, a different
6 retail price, in which case the way to read this is if
7 they do not have a difference in price, then the default
8 is the same as the store price.

9 If the store price, store retail in Column T
10 is different, that is the most accurate price
11 systemically in that store for a given item.

12 Q Okay. And then so "Default Retail," sorry, in
13 W and X and "Retail at Audit"?

14 A That's correct.

15 Q Sorry.

16 A Retail based on that date.

17 Q Explain -- so I'm sorry. Explain that one
18 more time. The "Default Retail" versus the "Store
19 Retail" and the "Retail at Audit." I'm confused a
20 little bit about these things again.

21 A Sorry. Let me take you to line 521 as an
22 example.

23 Q Yep.

24 A Line 521 was listed as a "Suave m p
25 deodorant," and the difference is the default, again,

1 the chain retail, if we go to column W, was \$3.50, so
2 our preponderant price for that across the chain and
3 then the chain zone was \$3.50. The default in both
4 column T and X -- sorry. Let me not say the word
5 "default." The retail price in the store listed was
6 \$3.75. That appears in column T and in column X, and
7 that differs from the chain default retail in column W.

8 Q Okay. And can you explain why that might be
9 different for the -- why that -- yeah, why that would be
10 different?

11 A Yeah. In this case, that item is zone priced
12 slightly higher, 25 cents higher in that store, but we
13 have lots of reasons why prices can differ by zone and
14 by item from store to store, to include things like a
15 store-specific discontinued where we remove or planning
16 to remove a given item from one store but not anywhere
17 else. We will start to do markdowns on that item, so it
18 will be lower in a given store, as an example.

19 Q All right. And then the last column. Some of
20 these are -- move my thing over. Y through AD has
21 "Transaction ID," and that's listed in some places.

22 Is that just the -- what are those transaction
23 IDs and a few of those?

24 A If there was a record of a sale in our systems
25 on that day, I believe we queried back and put that

1 information in columns Y through AD.

2 Q Okay. So you say -- so I couldn't -- let me
3 go down to 566. You have a record of a sale that day.

4 A That's right.

5 Q Old Spice Game Day, and it was 4.50, which it
6 matches the -- no, the shelf retail, according to that,
7 was 3.95, but it sold for 4.50; is that right?

8 A That's the way to read that. We had a
9 transaction that day. Transaction ID 1214945099. The
10 unit retail was \$4.50. They sold one for a total sale
11 of 4.50, which matched the store retail of column T as
12 well as what was purported in the information provided
13 by plaintiff in column N.

14 Q Okay. So if you couldn't find a match or
15 transaction ID, is there -- is there a reason for that
16 or do you know what may have occurred?

17 A So in a case where there isn't a transaction?

18 Q Yeah.

19 A Yeah. It's because most of our items don't
20 sell in a week, and so it's not unusual to have lots and
21 lots of items not sell in a given store. It just so
22 happened on this -- during this range, we sold that item
23 in that store.

24 Q Oh. That you could find during that -- during
25 whatever the -- so that's from --

1 A That's --

2 Q Sorry. Which date are you referring to? Let
3 me get back to. We were at 4 what? I lost my place.

4 A I was on 566.

5 Q Thank you. So 566, you had that one sale,
6 \$4.50 for the Old Spice. You said during that period.
7 What period would that have been and --

8 A I had to look at the transaction specifically.
9 I know at different times we've done -- so this one
10 specifically, whether or not it was that day or it was a
11 30-day lookback period from the date of the violation.
12 We had various trying to find more transactions. But
13 what I know is we had a transaction in that store on
14 that SKU during that period of time.

15 Q Yeah. Okay. Okay. So that's -- but, like,
16 for other ones that don't have any of the SKUs, like --

17 A We couldn't find a transaction in that
18 lookback window.

19 Q Okay. And the lookback window would be, like
20 in this instance, between -- like, let me go to 517
21 where there's not one. This is Suave deodorant. And so
22 the lookback window would be 10/19/2021 as a violation
23 date to 10/7/21; is that right?

24 A Yeah. So it's my understanding -- and I don't
25 have the logic in the spreadsheet -- that we did a

1 lookback between the violation date and the -- a 30-day
2 window looking backwards for a transaction.

3 Q I'm just trying -- and so which -- but which
4 time -- I'm sorry. But which time period? Is it
5 column -- column J and column A or --

6 A Yeah. That's my understanding, that for the
7 30-day lookback, we would have looked back between J and
8 A.

9 Q Okay. And, like, these instances, it's less
10 than -- it's about, what, 12, 13 days I'm looking at.
11 Like 5/17 is 10/19/21, and then the lookback period
12 would have been 10/7/21.

13 Is there a reason why it was less than 30 in
14 those instances?

15 A Is that a two-week lookback?

16 MR. TAYLOR: So, Scott, I see it going back to
17 9/20/2021 on line 484 -- or, excuse me, 483. But tell
18 me if you are seeing something different on what you
19 have.

20 BY MR. HARRIS:

21 Q Yeah. One of these -- 483 has that time
22 period, but then going down further, I guess it's a
23 different -- do you see that? Why is that -- I guess
24 the difference in all these -- so, like, let me say 483
25 to 542 discusses Suave antiperspirant deodorant at

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1 appears to be the Waddington, New York, store; is that
2 right.

3 A Sorry. Sorry. Let me -- I think I'm
4 following how it's displayed. Let me -- can I take you
5 to 572?

6 Q Yeah.

7 A So 572 is Old Spice Game Day in --

8 Q Glenville?

9 A Do you see that one?

10 Q Yeah.

11 A So what we provided is the 30-day lookback if
12 you go vertical. So at 571 is the day before. 570 is
13 the day before that. 579 is the day before that. So
14 what we provided --

15 Q So --

16 A -- 30 records --

17 Q Sorry.

18 A And if we had a transaction during that period
19 of time, they're present.

20 Q I lost you somewhere. If you can repeat.

21 Start over again. I'm on 572.

22 A Yeah. Let me go to 572.

23 Q Yeah.

24 A So 572 is referencing violation date of 1/24.
25 And line 572A is 1/24.

1 Q Right.

2 A Do you see that?

3 Q Yeah.

4 A If I go up to 571, it's all of that same
5 information now for the day prior.

6 Q Oh, okay. So -- okay. So you're going back.
7 And then what's the -- what's the -- so it goes back
8 about a week there. It goes back to --

9 A So if you'll look at that one and go 572
10 through 543 represents the 30 days --

11 Q Oh.

12 A -- of information for that. And then if we go
13 over to where we were just a second ago for those,
14 columns Y through AD were any dates in the transaction
15 that existed during that time on that date.

16 Q Oh, okay. So -- okay. So for -- of that
17 30-day period in that one store, you sold the Old Spice
18 on --

19 A Two occasions.

20 Q -- January 8, 2023; is that correct?

21 A That's correct.

22 Q Okay. Now I understand. All right.

23 A Sorry. Me too.

24 Q And you sold -- but you sold it again on
25 whatever -- hold on. Looks like January 18th as well.

1 A That's right.

2 Q Okay. Okay. Now I understand. Thank you. I
3 was not reading it correctly.

4 A Let me go ahead and call out line 566.

5 Q Okay.

6 A If you notice, it sold for \$4.

7 Q Okay.

8 A The in-effect shelf price was 4.50.

9 Q That's 556. I'm sorry.

10 A 556. Sorry. 556.

11 Q Yeah.

12 A Yeah. So in that case, it sold with some form
13 of a discount or promotion. So the in-effect price
14 systemically from our source support center was \$4.50,
15 but the transaction price for that item to the customer
16 was \$4.

17 Q Okay.

18 A And just to highlight that as the difference
19 between those two values. There's something other than
20 the base price. Promotion is typically or coupons that
21 made that be lower than the in-effect price from our
22 corporate systems.

23 Q Okay. Let me -- and then let me go from this
24 one to the next one, the Store Ops Review, and what this
25 tab does.

1 A Yes. So this tab has similar information
2 starting with columns A through J. Again, a copy of
3 what was provided by plaintiffs as transcribed from
4 audit reports. And then we began to append the
5 information K through M that you just saw systemically N
6 through P, same answer. O through S.

7 And then columns T through AA was provided by
8 store operations, and Mia may be able to speak to this
9 tomorrow, then. Information they had with regard to
10 printing or leveraging information that we received back
11 from the in-store printing. They tried -- again, tried
12 their best to identify the print date associated with
13 any of these items that we tried to research.

14 Q Okay. Let me -- okay. I think I understand
15 this. Let me walk through one of these examples,
16 though, if that's okay.

17 A Sure.

18 Q Let me find. If you go to 1355.

19 A I have 1355 listed as original sort order
20 1353, Dasani 8-pack.

21 Q Yeah. That's it. Let me -- okay. So let
22 me -- with this tab under Store Ops Review, let's go --
23 I think I understand everything, what you've testified
24 to with column A.

25 So original sort order, that was 1353. What

1 does that mean? Will you explain that again?

2 A Just an internal number we came up with in
3 order to organize and research these. Just a numerical
4 sort, nothing related to the product. Just a way to
5 organize these as we tried to research them.

6 Q Okay. And then going over K and L, that's
7 what was done in what you showed me the last
8 spreadsheet?

9 A That's right. If we could try to identify
10 what that was in our systems.

11 Q Okay. And so this one has a confidence level
12 of high. You feel like you've caught that?

13 A Yeah. Whoever completed this felt like they
14 had -- the Dasani 8-pack, based on the information
15 provided and the other information they researched, it
16 was likely that SKU.

17 Q Okay. And then the retail price, so "Current
18 Store Specific Retail," that's whatever -- hold on. Let
19 me get back to which store this is. That's the Hammond,
20 New York, store at 52 South Main Street; is that right?

21 A That's what it says there.

22 Q So then that's -- then on the cost was \$3.50
23 for this Dasani 8-pack. The effective date is 7/28/22.

24 What does that effective date mean? That's
25 when you set that price?

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1 A That's -- the 7/28/22 is the start date for
2 that retail systemically for that SKU number.

3 Q Okay. And then the expiration date is when --
4 on 2/13/23 is when you change the price on that product?

5 A Yeah. 2/13/23 would have been the last day in
6 effect for that \$3.50 price for that SKU.

7 Q Then on the next one is the "Current Chain
8 Retail." It says the effective date was January 21,
9 2012. Explain that, what this means versus the date in
10 O.

11 A Yeah. The -- again, this goes to default as
12 it's chain or default in our systems. It is the -- it's
13 a little different for this product.

14 So the associated price with this retail,
15 retail of this product, as we understand it for that
16 item, is best captured in column N.

17 Systemically, we have a record at chain for
18 the information that exists in columns Q through S, but
19 this product, Dasani 8-pack, is a drop-ship item, and
20 its retail is actually controlled via column N through
21 P.

22 In this case and only drop-ship items, this
23 column Q through S, it's a default price systemically
24 from here, and it can't get lower than that. But it
25 could be different. The pricing in the store is

1 actually controlled via column N, not via controlled --
2 controlled via column Q.

3 Q How do you know that by, that it's controlled
4 by the store -- by column N versus Q?

5 A It's not controlled by the store. It's
6 controlled via drop-ship retail because the product in
7 our systems is listed as a "D" in the inventory type,
8 and that derives on an item-by-item basis as dictated by
9 GOLD where the retail -- whether the retail comes from
10 the chain retail system or the drop-ship and therefore
11 local store retail system. And I don't mean local store
12 retail. It's just a different set of tables that drive
13 that retail price all through GOLD.

14 Q Okay. So, like, let me go to the one above
15 that. Maybe I'll -- that's the drop-ship. What about
16 the 1354. If that price has a date -- a price of 16.45
17 at that store, then 15.95 --

18 A That's correct.

19 Q That's got the same effective date. What's
20 the --

21 A Yeah. So. Yeah. Absolutely. In this store,
22 the retail price is -- in all of these, the retail price
23 in that store for the SKUs referenced in column K are N,
24 column N.

25 In this case, the retail in that store in

1 Hammond, New York, for that item is \$16.45. Our chain
2 or default price for that item is \$15.95.

3 Q So would GOLD send information to the POS to
4 show that it would -- that in that store, the price
5 should be \$16.45?

6 A That's correct.

7 Q Okay. And then I guess -- and that's what --
8 back to 1355. GOLD would do the same thing for the
9 Dasani 8-pack?

10 A That's correct.

11 Q Okay. How you -- and are there any documents
12 kind of showing how that information is transmitted to
13 make sure that the prices are consistent or the right
14 price for the Hammond, New York, versus whatever, you
15 know, you charge in different places?

16 A Yeah. The only thing that matters is that the
17 price for the Hammond, New York, store is the \$16.45.
18 Regardless whatever else happens, pricing is done at a
19 store-specific basis and then rolled into zones and then
20 rolled into -- some items, even in the Hammond, New
21 York, store, are the same as the chain price, and some
22 items have a different pricing zone up or down. And so
23 in this case, the \$16.45 is different than the chain
24 price.

25 Q Let me -- I'm not quite following it entirely.

1 How do you -- like, I'll just go back to the Dasani
2 again. With the effective date for the chain retail
3 price is 1/21/12 versus 7/28/22 in that store, how do
4 you make sure -- how do you know which date the
5 effective date would be in these types of instances for
6 this store versus that one? What records do you have to
7 capture that?

8 A Yeah. For every store and every item, we have
9 a start date and an end date for the effective price for
10 a given item, and so we can extract that based on a date
11 range for any given store or for the chain in the same
12 way. And so there's no documentation. This is actually
13 how the process works.

14 In this case, that store, if we were to use
15 the example above, had a loaded effective date in that
16 zone of \$16.45 on 11/8 of '22. On 11/8 of '22, the
17 chain was loaded as 15.95. So those two prices both
18 existed across our network depending on the store that
19 was uploaded with regard to that price.

20 Q Okay.

21 A Our records -- but our records exist at a
22 store SKU level for price for any given point in time.

23 Q And when you say at the store SKU level,
24 explain what do you mean by that?

25 A Store item level price.

1 Q Okay. So, like, I guess is that -- when you
2 say the store item -- what records, though, do you have
3 or do you -- what system do you have to make sure
4 that's -- that they're charging \$16.45 in the West
5 Hammond versus \$15.95 elsewhere?

6 A It's native to our pricing systems through --
7 through GOLD. And so every store and item has a retail
8 in a store, and that is the store and item price.

9 Q Let me keep going, then, make sure I follow.
10 So going to column V now looking at the
11 effective date for that Dasani was 7/28/22. Then it
12 says effective date 7/29/22, 12:00 a.m. over in V. And
13 the print date is 8/2/22.

14 What does that -- can you explain that to me
15 again, those two dates?

16 A Yeah. So as I understand it, this is a store
17 ops component. So everything I've testified through
18 column S is the pricing systems. As I understand it, T
19 through columns AA, Mia can probably give more specifics
20 on. This is from information that they use
21 directionally regarding information that comes back or
22 doesn't from back-office PCs with regard to print
23 information off of the back-office PC.

24 Q Okay. So, like, let me -- like, it says
25 printed by Denise Mitchell. She's someone who works in

1 the back office or Terri Cowher?

2 A Yeah. I don't know.

3 Q Okay. Okay. You don't know who these people
4 would -- anyone in column X or Z would be?

5 A I don't know any of these people.

6 Q Okay.

7 A Yeah.

8 Q Okay. But how -- I guess going back. Let me
9 just kind of figure this out.

10 How do you know -- what have you reviewed to
11 confirm that, like, the prices on the effective date in
12 the store, any given store, is correct versus the chain
13 retail price?

14 A I guess I don't review anything. I mean,
15 there's, you know, on average 20 to 30 thousand items
16 across 20,000 stores.

17 What we have is systems where we load a price
18 change. We have verification steps to ensure those
19 prices change in aggregate, and then we flow them
20 through the systems, and there's a series of IT controls
21 to ensure those prices made their way down to the
22 stores.

23 Q Yeah. What are the IT controls that y'all use
24 for that? That would be helpful.

25 A Yeah. So there's a series of process controls

1 that start all the way through -- from the original load
2 of pricing information.

3 So when a price change is requested through
4 the decision support teams on to pricing execution, they
5 provide an estimate of what they think the price change
6 times the number of unit retail -- units that exist in
7 the chain are, and it gives an approximate value of the
8 change of what that retail should be.

9 Pricing execution loads the information in the
10 GOLD system and then cross-checks that calculation of
11 the price change multiplied by the units of inventory as
12 a reasonableness check to ensure that we've not
13 fat-fingered a given item. And I say "fat-fingered"
14 means an error in the input of what the requested price
15 change should be because you have two independently
16 created calculations.

17 Assuming that works, they process -- they go
18 ahead and accept that. They run it. There's a job run
19 through GOLD that validates the information of that
20 item, and it validates that it's a legitimate item, the
21 price being requested is legitimate from a numerical
22 perspective. If it passes that, then it goes through a
23 series of jobs in order to ultimately create the files
24 that go down to our store's point of sale.

25 There's a series of operational checks in IT

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1 to ensure that those jobs run and complete. If they
2 don't, then there's mitigation work done to go correct,
3 rerun, or fix those upstream file jobs. And then IT
4 operations tracks those file sends, all the file sends,
5 actually, down to stores to confirm that stores receive
6 the files they're supposed to receive, including the
7 pricing.

8 Q That's very helpful.

9 Let me see. I think -- let me. Why don't we
10 take a five-minute break real quick. I'm trying to see
11 what other questions I have to go through right now, but
12 I think we're getting close. So I appreciate you going
13 through all this with me.

14 THE VIDEOGRAPHER: Going off the record. The
15 time is 3:44.

16 (Off the record.)

17 THE VIDEOGRAPHER: Back on the record. The
18 time is 3:55.

19 BY MR. HARRIS:

20 Q All right. I would like to introduce what I'm
21 marking as Exhibit 5. It's in Exhibit Share, but I'll
22 share my screen again. Hold on one second.

23 (Exhibit 5 was marked for identification.)

24 BY MR. HARRIS:

25 Q Okay. Mr. Snow, do you recognize this as a

1 document, it's my understanding, that was created by
2 McKinsey for Dollar General? Have you seen this
3 document before, PowerPoint presentation?

4 A Can I verify? This is the one entitled
5 "Additional tech-enabled opportunities"?

6 Q Correct.

7 A Okay. Yes. I have it on the screen.

8 Q Okay. Have you seen this report?

9 A Can you briefly go through the other pages? I
10 don't recognize it from the start, but I've seen a
11 number of versions of something that looks like this.

12 MR. TAYLOR: You can bring it up on Exhibit
13 Share too.

14 BY MR. HARRIS:

15 Q Yeah. I don't know what's easier.

16 A Let me see if it's up yet. Is it titled
17 McKinsey Wolf PowerPoint?

18 Q I think that's it. Yeah.

19 A Let me pull it up real quick.

20 Sorry. Just a moment. It's opening.

21 Q No worries.

22 A Mr. Harris, I believe I have seen this before.
23 Could have been a different version, could have been a
24 different iteration of it, but I have seen some version
25 of these slides.

1 Q Okay. So this is -- I was trying to -- this
2 should apply to Topic 22 or 29, is my understanding, but
3 I didn't know if you knew why Dollar General retained
4 McKinsey to do any kind of study here.

5 MR. TAYLOR: I'm going to object as
6 potentially beyond the scope. He can answer in his
7 personal capacity, or if it does relate to one of these
8 topics, he can testify on behalf of the corporation. I
9 just don't know.

10 THE WITNESS: I don't know why Dollar General
11 would have engaged McKinsey for this.

12 BY MR. HARRIS:

13 Q Okay. You weren't involved in this discussion
14 or decision?

15 A I was not involved in the decision to engage
16 McKinsey.

17 Q Okay. And on page -- hold on, let me see --
18 8, there's a discussion about significant potential
19 value at stake to involve wide range of pricing
20 execution challenges. I don't know if you -- I'm on
21 page 8 on my screen. I don't know if you can see it.

22 A Yeah. I'm using your screen share now. Yes,
23 I see that.

24 Q Do you know what those things were, those
25 price execution challenges that Dollar General was

1 facing that necessitated the need for McKinsey's
2 involvement?

3 MR. TAYLOR: So I'm going to object as beyond
4 the scope and really just because I think there may be
5 overlap here with some of Mia's topics. She was more on
6 the execution side. I think most -- many of her topics
7 are on execution.

8 But having said that, Mr. Snow can testify,
9 you know, in his personal capacity for sure.

10 THE WITNESS: Again, don't know why McKinsey
11 was engaged. Familiar and had some conversations with
12 regard to McKinsey associates around elements of this.

13 BY MR. HARRIS:

14 Q Okay. And do you recall what those -- and I
15 guess I understand if this is related to pricing, not
16 the price execution or pricing implementation, but did
17 you have any involvement with issues with getting
18 pricing sent from through the GOLD system to some of the
19 stores?

20 A Yes. In a previous capacity, I would have had
21 responsibility with regard to pricing execution over the
22 last three-ish years, four years, three years ago, four
23 years ago, so some portion of this. I'm very familiar
24 with getting pricing through GOLD through IT systems and
25 down to stores and refreshed myself, as I mentioned, as

1 part of the preparation for this discussion.

2 Q Do you recall, I guess, any of the issues --
3 and I don't know if it's affected your -- your division
4 at all, but any of the -- in Item 2, it says "Prices not
5 updated in in-store systems."

6 Is that something that would be more on the
7 execution versus -- versus the actual pricing of the
8 products?

9 A It would be both pricing of products and
10 execution.

11 Q I guess let me step back. The first one they
12 mention here is "Fragmented pricing data across multiple
13 systems." It says "No single source for pricing data.
14 Legacy integration between AS/400 Island Pacific and
15 GOLD pricing. Differences across banners, e.g.
16 popshelf."

17 Do you see that?

18 A I see that.

19 Q And I guess what were -- this seems like it
20 would have affected your division in some way; is that
21 correct?

22 MR. TAYLOR: Objection. Form.

23 You can answer.

24 THE WITNESS: Yeah. Again, just even -- but
25 the work I did in conversations with McKinsey but also

1 just looking at this page, I don't know that I agree
2 factually with some of the conclusions they would have
3 come to for this document.

4 As you might imagine, consultants,
5 specifically those who have an interest in continuing
6 work, sometimes they don't always get to the full
7 factual understanding of things. As an example,
8 "Differences across banners, e.g. pOpshelf," absolutely.
9 We intentionally have differences across banners with
10 regard to pricing between Dollar General stores and
11 pOpshelf.

12 BY MR. HARRIS:

13 Q What was the Legacy integration between AS/400
14 Island Pacific and GOLD? Do you know was there an issue
15 with that?

16 A I don't know about issue. What I do know is
17 we continue and have since GOLD's introduction have
18 processing that starts in GOLD. It works its way
19 through. Island Pacific is referenced here as the IP I
20 mentioned earlier in my testimony. It's part of the
21 process for price changing, and then ultimately that's
22 what flows down to stores.

23 Q Okay. So can you -- and maybe refresh my
24 recollection. What was the -- what was Island Pacific
25 being used for versus GOLD? Were they together?

1 A Yeah. So it's -- Island Pacific is the
2 company's legacy ERP. It continues to live on even
3 though we introduced GOLD. So GOLD brings additional
4 functionality, but we have maintained the Island Pacific
5 ERP system in combination with GOLD with regard to
6 inventory, pricing, perpetual records.

7 And so while GOLD retains a number of elements
8 that you would have for inventory management, including
9 pricing, Island Pacific is actually the system of record
10 with regard to perpetual inventories. And so they
11 interplay together, which I guess is what they meant by
12 Legacy integration, but all it means is, yes, you have
13 two systems operating together with regard to pricing
14 and inventory management.

15 Q Okay. Let me go to the next page real quick.
16 I think that's -- okay. Again, the next page, they had
17 the things that they were trying to change with regard
18 to those issues that we saw on the last page.

19 It says "What would we need to change to
20 develop unified price platform as a single source of
21 truth for pricing data (e.g. migrate alcohol retail
22 pricing from Island Pacific to GOLD.)"

23 Do you see that?

24 A I see that.

25 Q And is that something that you all have done

1 since this was done about a year ago?

2 A Yeah. So we still leverage -- I think I
3 mentioned earlier in my testimony we leveraged GOLD
4 screens that we custom-built so it looks like the GOLD
5 ERP system, but they're homemade for pricing. And then
6 we leveraged the GOLD databases or the core GOLD
7 database for pricing.

8 At the time this was written, alcohol pricing
9 was loaded straight into Island Pacific. Since then,
10 they now load the alcohol pricing into GOLD in the same
11 way they load all other pricing, but it flows to Island
12 Pacific, and Island Pacific still does all the same
13 calculations with regard to alcohol pricing because
14 alcohol pricing -- we haven't gotten into it -- is a
15 little different than all other item pricing because of
16 state and local regulatory rules around pricing.

17 Q Okay. I'm trying to think of anything else.

18 I think back to part 2 here, the "Prices not
19 updated in in-store systems," is that something Mia,
20 Ms. -- Mia will testify to?

21 MR. TAYLOR: That updating in the system, I
22 think, actually, is probably more Mr. Snow --

23 MR. HARRIS: Okay.

24 MR. TAYLOR: -- rather than Ms. Savaloja.

25 ///

1 BY MR. HARRIS:

2 Q Okay. So did you know anything about back to
3 the -- they mention multiple points of failure
4 distributed across systems, lack of system
5 synchronization, existing mechanism to push price
6 updates requires batch processing over multiple days,
7 and it says it's impacting GOLD, NextGen, Legacy POS,
8 DGC, ODS, and Flooid.

9 Sorry. Legacy POS, what is that system?

10 A We currently are operating across two points
11 of sale in our fleet of stores. One is our -- we call
12 it Legacy POS. It's the system we've had as our point
13 of sale for well over a decade, probably longer than
14 that.

15 We started introducing our -- we call it
16 NextGen, but it's our next point of sale, the
17 replacement for that older point of sale system.

18 NextGen is the same synonym for Flooid, at
19 least in Dollar General vernacular. It's just a second,
20 and it will be the future point of sale as we phase out
21 the Legacy point of sale over time.

22 Q Okay. So Flooid is the upcoming point of
23 sale, then? Is that --

24 A Yeah. It's already deployed in portions of
25 the chain, but NextGen and Flooid are synonymous.

1 Q Okay. And then what is DGC?

2 A DGC is a platform. It's an internal platform,
3 technical platform, that translates price into files to
4 send -- among other things, to send down to ODS and
5 ultimately to Flooid stores. It's called -- it's a
6 reference to DG Common, and it's a database, again a
7 pretty technical database, that feeds a number of
8 different things with price information when changes are
9 made.

10 Q All right. And sorry. ODS. I don't know if
11 you said that as well.

12 A I don't know the actual reference for it.
13 It's an Oracle database.

14 Q Then it says that what we need to change to is
15 "Develop reliable, real-time price delivery integration
16 between upstream and in-store systems (e.g.
17 personalization offer management system and NextGen
18 POS). Deploy active monitoring and alerting solution to
19 identify break-downs in the price delivery process."

20 Do you see that?

21 A I see that.

22 Q And then have you -- is that something that's
23 been implemented by Dollar General in light of this
24 survey?

25 A No. We -- well, sorry. I would -- I would

1 say we actually have reliable price delivery integration
2 into stores. What we lack with regard to -- and I think
3 what they're making reference to is the ability to
4 change price. I think they mention batching. As I
5 mentioned earlier in my testimony, the way we change
6 base prices today does rely on a batching process. We
7 make a change prior to 10:00 a.m. That goes through a
8 series of jobs to -- technical jobs, some of which I've
9 described here, and arrive in stores the next day.

10 I believe what they're making reference to is
11 a more future system, almost like what you might see on
12 a website with others, other retailers, where they can
13 change price in near real time. Our Legacy and existing
14 systems still operate on a batch, and it's a next-day
15 price delivery for base price.

16 Q I think those are all the questions I have
17 today. Thank you so much for your time.

18 A You're welcome.

19 MR. TAYLOR: We do not have any questions, and
20 we'll read and sign.

21 THE COURT REPORTER: And just to confirm,
22 Mr. Harris, do you need this transcript written up?

23 MR. HARRIS: Yes, we will.

24 THE COURT REPORTER: And, Mr. Taylor, do you
25 need to purchase a copy?

1 MR. TAYLOR: Yes. And I may want to see what
2 the options are for getting it quicker, so if I could
3 get your contact information so I can maybe email you,
4 that would be great.

5 MR. HARRIS: Same for us, please. Thank you.

6 THE COURT REPORTER: Sure. I'll give that to
7 you once we're off the video record and off the record.

8 MR. TAYLOR: Okay. Yeah. Let's go off the
9 record.

10 THE VIDEOGRAPHER: Right. Before we do, I
11 also have to confirm my orders as well. Sorry.
12 Mr. Harris has a standing order for this video.

13 Does anyone else -- Mr. Taylor, do you need a
14 copy of this video today?

15 MR. TAYLOR: Not at this time.

16 THE VIDEOGRAPHER: Okay. Anyone else?

17 Okay. With that, I'm going to go ahead and
18 conclude. This concludes the deposition of Nick Snow.
19 Going off the record. The time is 4:10.

20 (Whereupon, at 4:10 p.m. the deposition was
21 concluded.)

22

23

24

25

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1

COURT REPORTER'S CERTIFICATE

2

3 I, the undersigned Licensed Court Reporter, holding
4 a valid and current license issued by the State of
5 Tennessee, do hereby certify:

6 That said proceedings were taken down by me in
7 shorthand at the time and place therein set forth and
8 thereafter transcribed under my direction and
9 supervision.

10 I further certify that I am neither counsel for nor
11 related to any party to said action, nor in any way
12 interested in the outcome thereof.

13 Before completion of the deposition, review of the
14 transcript [X]was []was not requested.

15 IN WITNESS WHEREOF, I have subscribed my name on
16 this date: 12th day of March, 2024.

17 
18

Katherine West

19 LCR No. 791, RPR

20 Expiration: June 30, 2024

21

22

23

24

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1 Nick Snow

2

3 March 12, 2024

4 RE: Wolf, Joseph, Et Al. v. Dollar General Corporation, Et Al.

5 3/7/2024, 30(b)(6) Nick Snow (#6579623)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 litsup-ga@veritext.com

16 Return completed errata within 30 days from
17 receipt of testimony.

18 If the witness fails to do so within the time
19 allotted, the transcript may be used as if signed.

20

21

22

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24

25

Yours,

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1 Wolf, Joseph, Et Al. v. Dollar General Corporation, Et Al.

2 30(b)(6) Nick Snow (#6579623)

3 E R R A T A S H E E T

4 PAGE _____ LINE _____ CHANGE _____

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23 _____

24 30(b)(6) Nick Snow Date

25 _____

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1 Wolf, Joseph, Et Al. v. Dollar General Corporation, Et Al.

2 30(b)(6) Nick Snow (#6579623)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, 30(b)(6) Nick Snow, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

11

12

30(b)(6) Nick Snow

Date

13

*If notary is required

14

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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